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SEVENTH SESSION.

THE

ACTS AND RESOLUTIONS

OF THE
GENERAL ASSEMBLY

OF THE

STATE OF FLORIDA,

PASSED AT ITS SEVENTH SESSION,

BEGUN AND HELD AT THE CAPITOL, IN THE CITY OF TALLAHASSEE, ON MONDAY, NOVEMBER 27, 1854.

PUBLISHED BY AUTHORITY OF LAW,


UNDER THE DIRECTION OF THE ATTORNEY GENERAL.

Tallahassee :

OFFICE OF THE FLORIDIAN & JOURNAL.

PRINTED BY DYKE & WILLIAMS.

1855.



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TITLES OF ACTS

Passed at the Seventh Session of the General Assembly,

1854-'5.

- CHAPTER 610. An Act to provide for and encourage a liberal system of Internal Improvements in this State.
611. An Act to authorize the "Cuba and United States Submarine and Territorial Magnetic Telegraph Company" to pass their lines of Telegraph through the State of Florida, and to protect the same.
612. An Act for the regulation of the Pilots and Pilotage at the Bay and Harbor of Pensacola.
613. An Act to provide for the appointment of Inspectors of Tar and Turpentine in this State.
614. An Act to authorize the drainage of Alachua Savannah.
615. An Act to amend an Act in relation to Pilotage at the Port of Key West.
616. An Act to create a State Librarian.
617. An Act to incorporate the Tallahassee and Quincy Plank Road Company.
618. An Act to incorporate the Palatka and Micanopy Plank Road Company.
619. An Act to change the time of holding the Circuit Courts in the Eastern and Fifth Judicial Circuits of Florida.
620. An Act amendatory of an Act entitled an Act amendatory of the several Acts now in force in this State in relation to trading with Negroes.
621. An Act to prevent persons from attempting to entice or steal Negroes.
622. An Act defining the duties of Witnesses in the several Courts of this State.
623. An Act to regulate and establish the fees of the Secretary of State.
624. An Act to organize the County of Volusia.
625. An Act to amend an Act entitled an Act to amend the Patrol Laws of this State.
626. An Act governing Judges of Probates in certain cases.
627. An Act to prevent fraudulent voting.
628. An Act to organize the County of Manatee.
629. An Act to provide for taking the Census in the year 1855 in this State.
630. An Act to provide for the relinquishment to the United States in certain cases title to, and jurisdiction over lands for sites of Light-Houses, and for other purposes, on the coast and waters of this State.
631. An Act to authorize the Trustees of the Internal Improvement Fund to surrender the right, title, and claim of the State to certain lands.

632. An Act to amend an Act approved Nov. 21st, 1828, providing for the appointment of Inspectors of Lumber in the various Counties of this State.
633. An Act to restore the force and operation of the general laws of this State in relation to the migration of free persons of color into this State.
634. An Act to amend an Act concerning Roads and Highways in this State.
635. An Act to prevent the abduction and escape of Slaves from this State.
636. An Act amendatory of the Act to provide for the payment of Coroners' Juries, approved 24th January, 1851.
637. An Act to provide for the re-establishment of the records of St. Lucie County.
638. An Act relative to depositions taken under commissions.
639. An Act to provide for the payment of Physicians who are summoned to attend Coroners' Juries.
640. An Act for the preservation of Bridges.
641. An Act in relation to Pilotage at the Port of Bay Port.
642. An Act to legalize the proceedings of the Judge of Probate of St. Lucie County.
643. An Act to prevent planting without a fence in Walton County.
644. An Act to amend an Act to provide for the payment of Jurors and State Witnesses, approved January 8th, 1848.
645. An Act to repeal an Act entitled an Act in relation to a Road Tax in the Counties of Santa Rosa and Escambia, as far as it relates to the County of Santa Rosa.
646. An Act explanatory of the several Acts in relation to the migration of Negroes and Free Persons of Color into Key West.
647. An Act to prevent any deduction on Cotton bales.
648. An Act to amend the Act to incorporate the City of St. Augustine, approved 4th February, 1833.
649. An Act in relation to the election of County Commissioners in Gadsden County.
650. An Act to empower the County Commissioners of Wakulla County to levy a tax for the purpose of building a Court House in said County.
651. An Act to change the name of and establish the County site of St. Lucie County.
652. An Act to hold the Courts of Orange County at Mellonville.
653. An Act to change the time of holding Circuit Court of Calhoun County.
654. An Act to prevent White Persons from gaming with Negroes or other persons of color.
655. An Act to amend an Act entitled an Act to permanently fix the election precincts in the County of Columbia, and to repeal certain Acts therein named, approved January 8, 1853.
656. An Act to extend the Limitation of Merchants' Accounts in this State.
657. An Act to provide for the expenses of Florida in the settlement of Boundary with the State of Georgia.
658. An Act to repeal Section 4 of an Act amendatory of an Act entitled an Act to establish and organize a Mayor's Court for the City of Apalachicola, approved January 5th, 1853.

659. An Act in relation to a Road Tax in the Counties of Putnam and Marion.
660. An Act to allow the Supreme and Circuit Courts of this State to hold extra terms, whenever the regular terms cannot be safely held in consequence of the prevalence of any contagious disease, at the time and places appointed by law for holding the regular terms.
661. An Act making additional appropriations to defray the expenses of Criminal Prosecutions, and for the payment of Jurors and State Witnesses for the fiscal years 1853 and 1854.
662. An Act in relation to Evidence.
663. An Act to amend the general Act for the incorporation of Towns, Academies and Religious Societies, approved January 6th, 1847.
664. An Act to amend an Act entitled an Act to incorporate the Jacksonville and Alligator Plank Road Company.
665. An Act to improve the navigation of the Harbor and Bay of Apalachicola.
666. An Act to change the mode of compensating the several Solicitors or Prosecuting Attorneys of this State.
667. An Act to change the time of holding Court in the Southern Judicial Circuit of Florida.
668. An Act making appropriations for the expenses of the State Government for the fiscal year 1855.
669. An Act to empower Malcolm Nicholson to assume the management of his own estate.
670. An Act to empower John Richard Bradford, a minor, to assume the management of his own estate.
671. An Act for the relief of Henry Christy and Theophilus Higginbotham.
672. An Act to authorize Jackson Lee of Hamilton County to assume the management of his own estate.
673. An Act to admit Anderson J. Peeler to practice law in the several Courts of this State.
674. An Act for the relief of Algernon S. Speer and Arthur Ginn.
675. An Act to authorize James M. Cockroff to erect a Toll Bridge across East River, in the County of Walton, at or near Cockroff's Ferry on said river.
676. An Act for the relief of the town of Quincy.
677. An Act to authorize B. T. Jordan to build a Bridge across the Suwannee River, and for other purposes.
678. An Act to authorize Samuel A. Leonard to build a Wharf in the City of Pensacola.
679. An Act to authorize Oliver H. Hearn to build a Toll Bridge across the Aucilla River.
680. An Act to legitimize and change the name of certain persons therein named.
681. An Act for the relief of John B. Anderson of Jackson County.
682. An Act to authorize Thomas H. Willis of Leon County, a minor, to assume the management of his own estate, and to contract and be contracted with.
683. An Act to repeal an Act entitled an Act to change the name of Oliver Price to that of Oliver Delk, and for other purposes, approved January 8, 1853.

684. An Act to authorize Absalom W. Smith to establish a Ferry across Suwannee River.
685. An Act to authorize Stephen C. Gonzalez to build a Wharf in the City of Pensacola.
686. An Act to authorize Celestino Gonzalez to establish a Wharf in the City of Pensacola.
687. An Act to authorize William A. Gainer to build a Toll Bridge across Bear Creek.
688. An Act to change the name of Charles Irvin Vincan, and for other purposes.
689. An Act to legitimize Lucinda Read and to make her the heir at law of William M. Lee, of the County of Hamilton, Florida.
690. An Act to authorize Benjamin Marshall to charge Wharfage in the town of Milton.
691. An Act for the relief of William R. Hayward and others.
692. An Act to authorize W. M. C. Neel to establish a Ferry across Chattahoochee River.
693. An Act to authorize Andrew J. Smiley of Columbia County, a minor, to assume the management of his own estate.
694. An Act to authorize Allen Mondin to establish a Toll Bridge across the Withlacoochee River.
695. An Act to authorize Elijah Johnson & Co. to establish a Ferry across the Chattahoochee River.
696. An Act to authorize Henry Benner to establish a Ferry on the Withlacoochee River.
697. An Act to permanently locate the County site of Hernando County.
698. An Act for the relief of John Sapp of Madison County.
699. An Act extending the time authorizing George H. Tresper to establish a Ferry across the Suwannee River at Clay Landing, and for other purposes.
700. An Act to extend the time for the enjoyment of the Chartered privileges of the Columbus Bridge Company.
701. An Act to authorize William Webb to establish a Ferry across Escambia Bay.
702. An Act to empower Charles H. Longworth of Gadsden County to manage his own estate.
703. An Act to authorize Samuel B. Thompson to establish a Toll Bridge or Ferry across the South Prong of Black Creek at Middleburgh.
704. An Act to enforce the laws against violations of the Sabbath day in Monroe County.
705. An Act to be entitled an act regulating Quarantine for the Port of St. Marks.
706. An Act to authorize Samuel D. House, of Marion County, to assume the management of his own estate.
707. An Act for the relief of Dr. C. A. Hentz.
708. An Act to establish a Ferry at Brown's Ferry in Jackson County.
709. An Act to authorize James F. Harley, a minor, to contract and be contracted with.

- 710. An Act to authorize Gregory Yneistra and F. B. Bobe to establish a Wharf in the City of Pensacola.
- 711. An Act for the relief of James M. Landrum, Solicitor of the Western Circuit of the State of Florida.
- 712. An Act granting aid to the County of Putnam to build a Court House and Jail.
- 713. An Act for the relief of Doctor William S. Wilson and others.
- 714. An Act to authorize Neil Monroe to establish a Ferry on Withlacoochee River.

TITLES OF RESOLUTIONS

Passed at the Seventh Session of the General Assembly.

1854-'5.

- 1. Resolution for payment of the Board of Internal Improvement.
- 2. Resolutions making appropriations for repairs on the Capitol.
- 3. Resolution authorizing the Comptroller to audit certain accounts therein named.
- 4. Resolution authorizing the Governor to compensate James D. Westcott for services in the Supreme Court of the United States, and for other purposes.
- 5. Resolution to pay Agents for selecting Swamp Lands.
- 6. Resolution relative to copying the Laws of the present Session.
- 7. Resolution authorizing the Governor to turn over sixty Muskets and Accoutrements to the Florida Independent Blues, and others.
- 8. Resolution in relation to the improvement of St. John's Bar, and the preservation of the site of St. John's Light House.
- 9. Resolution respecting the establishment of a mail route from Tallahassee via Sopchoppy in Wakulla County, to White Bluff or Pickettsville at the mouth of Crooked River on the Apalachicola Bay.
- 10. Resolution asking Congress to establish certain mail routes in Alachua County.
- 11. Resolution to declare Manatee a Port of Delivery.
- 12. Resolution asking that Picolata be made a Port of Delivery.
- 13. Resolution in relation to Mail Route.
- 14. Preamble and Resolutions asking Congress to grant to the County of Hillsborough the Military Reserve, embracing Fort Brooke, for a Commercial Rail Road Depot.
- 15. Resolution requesting an order from the Secretary of War to the Indian Agent in Florida for the delivery of a negro man belonging to B. M. Dell of Florida.
- 16. Resolution asking Congress to declare Indian River a Port of Delivery.
- 17. Resolution asking that Tampa be made a Port of Collection and Inspection.
- 18. Resolution asking that the New Orleans and Key West Mail Steamers be required to touch at St. Andrews.

L A W S

OF THE

STATE OF FLORIDA,

PASSED AT THE SEVENTH SESSION OF THE GENERAL ASSEMBLY,
1854-'5.

JAMES E. BROOME, Governor. F. L. VILLEPIGUE, Secretary of State. T. W. BRE-
VARD, Comptroller of Public Accounts. CHARLES H. AUSTIN, State Treasurer.
M. D. PAPY, Attorney General. H. V. SNELL, President of the Senate. D.
G. LIVINGSTON, Secretary of the Senate. W. F. RUSSELL, Speaker of the
House. HUGH A. CORLEY, Clerk of the House.

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CHAPTER 610.—[No. 1.]

AN ACT to provide for and encourage a liberal system of Internal Improve-
ments in this State.

WHEREAS, The Constitution of this State declares "that a liberal
system of Internal Improvements, being essential to the develop-
ment of the resources of the country, shall be encouraged by the
Government of this State, and it shall be the duty of the General
Assembly, as soon as practicable, to ascertain by law, proper ob-
jects of improvements in relation to Roads, Canals and Navigable
Streams, and to provide for a suitable application of such funds
as may be appropriated for such Improvements," therefore,

SECTION 1. *Be it enacted by the Senate and House of Represen-
tatives of the State of Florida in General Assembly convened,* That
so much of the Five Hundred Thousand Acres of Land granted to
this State for Internal Improvement purposes, by an Act of Congress,
passed the third day of March, A. D. 1845, as remains unsold, and
the proceeds of the sales of such of said lands heretofore sold as now
remain on hand and unappropriated, and all proceeds that may here-
after accrue from the sales of said lands; also all the Swamp land
or lands subject to overflow, granted to this State by an Act of Con-
gress, approved September 28th, A. D. 1850, together with all the
proceeds that have accrued, or may hereafter accrue to the State
from the sale of said lands, are hereby set apart and declared a dis-
tinct and separate fund, to be called the Internal Improvement Fund

Proceeds of the
swamp and ov-
erflowed lands
set apart as an
Internal Im-
provem't fund.

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Governor,
Comptroller,
Treasurer,
Register and
Att'y General
constituted
Trustees.

Duties of the
Trustees of the
Internal Im-
provement Fund

of the State of Florida, and are to be strictly applied according to the provisions of this Act.

SEC. 2. *Be it further enacted*, That for the purpose of assuring a proper application of said fund for the purposes herein declared, said lands and all the funds arising from the sale thereof, after paying the necessary expenses of selection, management and sale, are hereby irrevocably vested in five Trustees, to-wit: in the Governor of this State, the Comptroller of Public Accounts, the State Treasurer, the Attorney General and the Register of State Lands, and their successors in office, to hold the same in trust for the uses and purposes hereinafter provided, with the power to sell and transfer said lands to the purchasers, and receive payment for the same, and invest the surplus moneys arising therefrom, from time to time, in Stocks of the United States, Stocks of the several States, or the Internal Improvement Bonds issued under the provisions of this Act, and drawing not less than six per cent. annual interest; also, the surplus interest accruing from such investments, and to pay out of said fund agreeably to the provisions of this Act, the interest, from time to time, as it may become due on the bonds to be issued by the different Railroad Companies under authority of this Act; also, to receive and demand, semi-annually, the sum of one half of one per cent. (after each separate line of Railroad is completed) on the entire amount of the bonds issued by said Railroad Company, and invest the same in Stocks of the United States, or State securities, or in the bonds herein provided to be issued by said Company. Said Trustees shall also invest the surplus interest of said sinking fund investment as it may accrue.—Said Trustees shall also demand and receive from each Railroad Company named in this Act, the amount due to the Internal Improvement Fund from said Railroad Company, according to the provisions herein contained, on account of interest on the Bonds issued by said Company, and a refusal or neglect on the part of the President and Directors of any Railroad Company herein named to comply with the provisions of this Act, as to the payment to said Trustees of the amount due and payable to the fund, as provided in sections eleven, twelve and thirteen, on account of interest and sinking fund, the individual property of each and all the Directors, shall be liable in an action of debt to said Trustees for the amount due and unpaid, with 20 per cent. interest until paid.

Bonds to be re-
corded in the
Comptroller's
office and coun-
tersigned by
the Treasurer.

SEC. 3. *Be it further enacted*, That all Bonds issued by any Railroad Company under the provisions of this Act, shall be recorded in the Comptroller's office and so certified by the Comptroller, and shall be countersigned by the State Treasurer, and shall contain a Certificate on the part of the Trustees of the Internal Improvement Fund that said Bonds are issued agreeably to the provisions of this Act, and that the Internal Improvement Fund, for which they are Trustees, is pledged to pay the interest as it may become due on said Bonds.—All Bonds issued by any Railroad Company under the provisions of

this Act, shall be a first lien or mortgage on the road bed, iron, equipment, work-shops, depots and franchise; and upon a failure on the part of any Railroad Company accepting the provisions of this Act, to provide the interest as herein provided on the Bonds issued by said Company, and the sum of one per cent. per annum, as a sinking fund, as herein provided, it shall be the duty of the Trustees, after the expiration of thirty days from said default or refusal, to take possession of said Railroad and all its property of every kind, and advertise the same for sale at public auction to the highest bidder, either for cash or additional approved security, as they may think most advantageous for the interest of the Internal Improvement Fund and the bond holders. The proceeds arising from such sale shall be applied by said Trustees, to the purchase and cancelling of the outstanding bonds issued by said defaulting Company, or incorporated with the sinking fund: *Provided*, That in making such sale, it shall be conditioned that the purchasers shall be bound to continue the payment of one half of one per cent. semi-annually to the sinking fund, until all the outstanding bonds are discharged, under the penalty of an annulment of the contract of purchase, and the forfeiture of the purchase money paid in.

SEC. 4. *Be it further enacted*, That a line of Railroad from the St. Johns River, at Jacksonville, and the waters of Pensacola Bay, with an extension from suitable points on said line to St. Marks River, or Crooked River, at White Bluff on Apalachicola Bay, in Middle Florida, and to the waters of St. Andrews Bay, in West Florida, and a line from Amelia Island, on the Atlantic, to the waters of Tampa Bay, in South Florida, with an extension to Cedar Key, in East Florida; also a Canal from the waters of St. Johns River on Lake Harney to the waters of Indian River, are proper improvements to be aided from the Internal Improvement Fund, in manner as hereinafter provided.

SEC. 5. *Be it further enacted*, That the several Railroads now organized or chartered by the Legislature, or that may hereafter be chartered, any portion of whose routes as authorized by their different charters, and amendments thereto, shall be within the line or routes laid down in section four, (4) shall have the right and privilege of constructing that part of the line embraced by their charter, on giving notice to the Trustees of the Internal Improvement Fund of their full acceptance of the provisions of this Act, specifying the part of the route they propose to construct; and upon the refusal or neglect of any Railroad Company now organized to accept, within six months from the passage of this Act, the provisions of the same, any other Company, duly authorized by law, may undertake the construction of such part of the line as they may desire to make, and which may not be in progress of construction under a previous charter.

SEC. 6. *Be it further enacted*, That before any Railroad Company shall be entitled to the provisions of this Act, said Railroad Com-

Line of Railroad.

Railroads accepting the provisions of this Act to give notice to the Trustees within six months.

Before any Railroad Com-

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pany shall be entitled to the provisions of this Act, said Company shall grade twenty miles according to the following specifications.

pany shall first grade continuously, twenty miles, according to the following specifications—

First.—The line of Road for sixty feet from the centre shall be cleared of all the standing timber.

Second.—The grading shall be for a single track except at depots, turnouts and similar places, where it shall be wider if required by the State Engineer, with a road bed twenty feet wide in cuttings, with ditches from two to three and a half feet in depth below grade, with such widths as the State Engineer may direct, and eighteen feet wide on embankments, at the grade line, with slopes of one and a half feet base to one foot rise; and in all excavations and embankments, they shall be so constructed as to have a perfect drainage, and not permit any standing water to come within three feet of the lower side of the cross tie.

Third.—All the cross ties shall be delivered on the line of the Road and be of heart yellow pine, cyprus, white, yellow, post, live or spanish oak, white or red cedar, and not less than nine feet long, with not less than nine inches face, and eight inches in thickness, and shall be well and carefully bedded, and laid within two and a half feet from centre to centre.

Fourth.—At all water-ways, sufficient space shall be left for the unobstructed passage of water; and at all points on the line of the Road where side ditches can be cut that will carry off the surface water, they shall be constructed by the Company under the direction of the State Engineer.

Fifth.—In the crossing of all streams, the bridges shall be constructed according to plans approved by the State Engineer; and over all streams that are navigated, suitable draws shall be put in to admit the passage of boats or vessels usually navigating the same, to be decided by the State Engineer.

Sixth.—The gauge of the different Railroads shall be uniformly five feet, and connected continuously, so that cars, or trains of cars can pass on all the routes indicated, without changing freight. And it shall be the duty of the different Railroad Companies to adopt a uniform tariff for transportation of passengers and for hauling the freight in the cars of another Company, upon usual and equitable terms, and no discrimination shall be made by one Company against the freight or passengers of another Company.

Seventh.—The iron rail used shall weigh not less than sixty pounds per lineal yard, and be of the best quality of iron, and well fastened to the cross ties, with the best quality of spikes and plates.

Eighth.—The entire equipment shall be of the first class, and shall at all times be sufficient for the prompt transportation of all the passengers and freight ordinarily offering.

Ninth.—The grade on no portion of the routes indicated by this Act, shall exceed forty-five feet per mile, and no single curve shall

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exceed three degrees of curvature, or be adopted unless approved of by the State Engineer.

SEC. 7. *Be it further enacted*, That after any Railroad Company shall have graded twenty miles of Road bed continuously, and furnished the cross ties agreeably to the specifications of this Act, and shall give notice to the State Engineer, it shall be his duty to examine personally said section of twenty miles, and if, after full examination, he shall approve the construction of said twenty miles, then it shall be his duty to certify the same to the Trustees of the Internal Improvement Fund; and on the completion of the grading and furnishing of the cross ties of each additional ten miles continuously, the State Engineer shall also examine the same, and, if constructed in accordance with the provisions of this Act, shall certify the same to the Trustees of the Internal Improvement Fund.

SEC. 8. *Be it further enacted*, That on the completion of the grading and the furnishing of the cross ties of twenty miles continuously, and every additional ten miles, as provided by this Act, said Railroad Company are hereby authorized to issue Coupon Bonds, having not more than thirty-five years to run, and drawing not more than seven per cent. annual interest, payable semi-annually in the City of New York or Tallahassee, at the option of the purchaser, at the rate of eight thousand dollars per mile for the purchase and delivery of the iron rail, spikes, plates and chairs, and after the rail has been laid down on the line, the additional sum of two thousand dollars per mile, for the purchase of the necessary equipments; and said Bonds shall always afterwards constitute and be a first lien or mortgage upon the road bed, iron, equipment, work-shops, depots and franchise.

SEC. 9. *Be it further enacted*, That it shall be the duty of said Railroad Company to deposit said Bonds with the Comptroller of Public Accounts, to be by him recorded and the record certified on each Bond; and the State Treasurer shall enter, in a book to be kept for the purpose, the amount of each Bond with the rate of interest, the time it becomes due, and the place where the principal and interest is payable, and shall countersign the same; and it shall also be the duty of the Trustees of the Internal Improvement Fund, after having received a certificate from the State Engineer that twenty miles, or ten miles, as the case may be, have been graded in all respects agreeably to the specifications of this Act, to sign said Bonds agreeably to the provisions of this Act, and deliver them to the said Railroad Company:—*Provided*, The President and at least four of the Directors, file with the Trustees of the Internal Improvement Fund a statement under oath that the necessary quantity and quality of iron for said twenty or ten miles as the case may be, has been purchased, and is within the jurisdiction of this State, and paid for, or to be paid for, with said Bonds or their proceeds: *Provided, further*, That before said Trustees shall deliver to said Railroad Company the said Bonds, said Company shall deposit with the Trustees of the Internal Improve-

State Engineer to examine the construction and report the same to the Trustees of the Int. Improvement Fund.

Road may issue Coupon Bonds at the rate of 8000 dollars pr mile.

Said bonds to be a first lien or mortgage upon the Road bed, &c.

Duty of the Comptroller and Treasurer.

Trustees of the Int. Improvement Fund upon the certificate of the State Engineer to sign said bonds.

The Trustees to receive security for the payment of the first semi-an-

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nual instalment
of interest be-
fore delivering
said bonds.

Bonds to be
applied to pur-
chasing iron
rails and equip-
ments.

President and
Directors of ev-
ery Railroad
Company under
oath to re-
port to the trus-
tees of the Int.
Improvement
Fund the gross
receipts for the
past 6 months.

Every Rail-
road Company
after comple-
tion to pay to
the Trustees
one-half of one
per cent on the
amount of in-
debtedness on
bond accounts
as a sinking
fund.

Division pro
rata.

ment Fund, the first semi-annual instalment of interest on the amount of Bonds certified to by said Trustees, to meet the same when due, (or they shall retain the Coupons for the first semi-annual interest,) and shall give to the Trustees of the Internal Improvement Fund a Bond with approved security, that said quantity and quality of iron shall be laid down on the line of their Road within six months after the said Bonds are issued.

SEC. 10. *Be it further enacted,* That any Railroad Company receiving said certified Bonds, shall apply the same or their proceeds to no other purpose than purchasing the iron rail, spikes, plates or equipments; and before any additional Bonds shall be certified by the Trustees of the Internal Improvement Fund, the iron rail shall be laid on that part of the route for which the Bonds were issued, and so on continuously until the line is completed.

SEC. 11. *Be it further enacted,* That it shall be the duty of the President and Directors of every Railroad Company accepting the provisions of this Act, while the Road is under construction, to report to the Trustees of the Internal Improvement Fund every six months, under the oath of the President and at least two of the Directors, the gross receipts of said Company from the traffic of the Road for the past six months, the cost of transportation and repairs, and the total amount of the net receipts of said Company; and it shall be the duty of the President and Directors to pay to the Trustees of the Internal Improvement Fund fifty per cent. of said net receipts every six months, which sum or sums shall be applied by the Trustees of the Internal Improvement Fund towards the payment of the interest of any Bonds issued by said Company.

SEC. 12. *Be it further enacted,* That every Railroad Company accepting the provisions of this Act shall, after the completion of the Road, pay to the Trustees of the Internal Improvement Fund at least one half of one per cent. on the amount of indebtedness, or Bond account, every six months, as a sinking fund, to be invested by them in the class of securities named in section two, or to be applied to the purchase of the outstanding Bonds of the Company; but it shall be distinctly understood, that the purchase of said Bonds shall not relieve the Company from paying the interest on the same, they being held by the Trustees as an investment on account of the sinking fund.

SEC. 13. *Be it further enacted,* That if, on completion of any of the Roads indicated in section four, the net earnings should be less than six per cent. on the capital stock paid in and bonded debt of said Company, first deducting the one per cent. per annum paid in to the sinking fund, it shall be divided *pro rata* between the Stock account paid in and bonded debt, and the Internal Improvement Fund shall pay the deficiency due on account of interest from time to time, as it may fall due. In the event the net earnings are over six per cent. on the Capital Stock paid in and bonded debt and sinking fund of

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one per cent., then the President and Directors shall first pay into the hands of the Trustees of the Internal Improvement Fund the amount due on the interest account of the bonded debt, in addition to the provision for the sinking Fund, every six months.

SEC. 14. *Be it further enacted*, That for all payments made by the Trustees of the Internal Improvement fund on account of interest for any Rail Road Company agreeably to the provisions of this Act, said Trustees shall demand and receive from said Rail Road Company equal amounts of the Capital Stock of said Company, which Stock shall entitle the Internal Improvement Fund to all the privileges and advantages of private Stockholders.

Trustees to demand and receive capital stock.

SEC. 15. *Be it further enacted*, That on the routes indicated for the construction of the different lines of Rail Road, the State hereby grants to each of the different Companies that may hereafter construct portions of such line or route, the alternate Sections of State Lands on each side for six miles, but the title to the same shall not vest in the Company except as the Road progresses, and not until thirty miles are completed, when the Company may sell one half of the same within said thirty miles; and on the completion of thirty additional miles, then they may sell the balance of their Lands remaining unsold in the first thirty miles, and so on for each division of thirty miles until the Road is completed.

Alternate sections of State lands granted.

Title not to rest in the Company till thirty miles of the route is completed.

SEC. 16. *Be it further enacted*, That the Trustees of the Internal Improvement Fund shall hereafter fix the price of the Public Lands included in the Trust, having due regard to their location, value for agricultural purposes, or on account of timber or naval stores, and make such arrangements for the drainage of the swamp or overflowed lands, as in their judgment may be most advantageous to the Internal Improvement Fund, and the settlement and cultivation of the land, and the said Trustees shall encourage actual settlement and cultivation of said lands by allowing pre-emptions under such rules and regulations as they may deem advisable: *Provided*, That in no case shall a pre-emption for more than one section of land be granted to any one settler.

Trustees to fix the price of the public lands.

SEC. 17. *Be it further enacted*, That as the Board of Internal Improvement recommend the construction of a navigable canal connecting the waters of the St. John's with those of Indian River, the State Engineer is hereby authorized to make a final location of the same as soon as practicable, and furnished detailed estimates and plans for the information of persons desirous of engaging in the work, and invite bids for its execution for one year—the bidders to specify the amount for which they will do the work, and the mode and manner in which payments are to be made, whether in lands or money, or in portions of each. And the Trustees of the Internal Improvement Fund are hereby authorized to pay out of said Fund, as the work progresses, the whole amount agreed upon by the terms of the contract: *Provided*, The entire cost shall not exceed Four Thousand Dollars

Canal connecting St. Johns and Indian rivers.

Cost of construction per mile.

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Capital Stock
exempt from
taxation.

Officers and
persons in the
employ of rail-
roads exempt
from Patrol or
Militia duty.

Fraudulent
statement of
accounts, &c.,
punished as a
felony.

Plat of actual
survey to be
deposited in
the office of the
Secretary of
State.

Railroad Com-
panies to re-
ceive the bene-
fit of lands
granted by the
United States
to this State.

in money and Four Thousand acres of land per mile: *Provided, further,* That the Trustees of the Internal Improvement shall be of the opinion that this sum in money can be applied to said purpose without impairing the efficiency of the Fund for Railroad purposes.

SEC. 18. *Be it further enacted,* That the Capital Stock of any Railroad Company accepting the provisions of this Act, shall be forever exempt from taxation, and the Roads, their fixtures and appurtenances, including workshops, warehouses, vehicles, and property of every description needed for the purpose of transportation of freight and passengers, or for the repair and maintenance of the Roads, shall be exempt from taxation while the Roads are under construction, and for the period of thirty-five years from their completion—and that all the officers of the Companies, and servants, and persons in the actual employment of the Companies, be and are hereby exempt from performing ordinary patrol or militia duty, working on public roads and serving as jurors.

SEC. 19. *Be it further enacted,* That should any of the officers, or persons in the employ of any Railroad Company in this State, make any fraudulent statement of accounts, or make false issues or transfers of the Capital Stock or Bonds of any Railroad Company, or shall fraudulently apply any money or property in his charge, belonging to said Company, or in charge of said Company, to his individual use or benefit, or to the benefit of any other person, it shall be considered a felony, and on conviction in any Court having jurisdiction of the same, shall be punished by fine at the discretion of the Court, and imprisonment of not less than two nor more than ten years.

SEC. 20. *Be it further enacted,* That after the routes indicated have been actually surveyed and adopted, and a plat thereof deposited in the office of the Secretary of State, it shall not be lawful for any other Railroad to be built, cut, or constructed in any way or manner, or by any authority whatsoever, running laterally within twenty-five miles of the route so adopted, unless by said Company, or with the consent of the trustees of the Internal Improvement Fund and a majority of the Stockholders, at an annual meeting, on a Stock vote.

SEC. 21. *Be it further enacted,* That should the Government of the United States grant land to the State of Florida for the purpose of aiding in the construction of the lines of Railroad indicated, and their extensions, by general or special act, said lines of Railroad shall be entitled to all the benefits and advantages arising from said grant that the State of Florida would be entitled to by the construction of said lines of Railway and their extensions; and the Governor of the State is hereby authorized and required, should such an Act be passed by the Government of the United States, to direct said Railroad Companies to select said land, and, after such selection, to give the Secretary of the Interior notice of such selection, and furnish him with a list of lands so selected, the number of each Section, fractional Sec-

tion, or sub-division, and take such other action as may be necessary to fully secure the grant of lands to said Railroad Companies, subject to all the conditions and restrictions of the Act of Congress making such grant.

SEC. 22. *Be it further enacted*, That it shall be lawful for the Board of County Commissioners of any County, or the Mayor and Council of any City, or the Trustees of any Town, through or near which such Railroads or their extensions may pass, or in which they may terminate, and they are hereby authorized, to subscribe and hold stock in said Company, upon the same terms and conditions, and subject to the same restrictions as other Stockholders: *Provided*, It shall be first submitted to the vote of the legal voters of said County, City or Town, to be held and taken at such times and places, and in such a manner, as said authorities respectively may appoint, whether or not stock shall be subscribed and taken; and if, when the vote be thus taken, it shall appear that a majority of the votes shall be in favor of such subscription, it shall thereupon be lawful for the Board of County Commissioners, City or Town Authorities, by agents by them appointed, to subscribe and take in such Company, such an amount of Stock as they shall determine; *Provided*, That in no case of County subscription the amount shall exceed fifty per cent. of the cost of construction through said County; and to issue the bonds of such County, City or Town, payable with interest at such times and places as they may deem proper, and dispose of the same for the payment of such subscription, pledging the faith and resources of such County, City or Town for the payment of such bonds and interest; and they shall, from time to time, levy and collect such a tax as shall be necessary to pay the instalments of interest and the Bonds as the same become due, or to create a sinking fund for the gradual reduction of the same; *Provided*, That the rate of interest shall not exceed ten per centum per annum: or funds may be raised by such Board of County Commissioners, or City or Town Authorities, by tax, in such sums or instalments as will meet such subscription, and the receipt for the payment of such tax shall entitle the payers thereof, for every one hundred dollars so paid, to have one share or more, as the case may be, of the stock so subscribed by said County Commissioners, City or Town, in said Company, and which receipts shall be assignable. No Stock held by any County, City or Town, shall be assignable by said County, City or Town, until the bonds issued for the purpose of procuring funds for the payment of said County, City or Town subscription shall be paid, except in exchange for such bonds.

SEC. 23. *Be it further enacted*, That in the event of the disagreement between any Railroad Company accepting the provisions of this Act, and the Postmaster General, as to the compensation to be paid per mile by the Government of the United States to said Companies for transporting the mail of the United States, on the routes indicated by this Act, the matter shall be settled by mutual agreement be-

County Commissioners authorized to subscribe and hold stock.

County subscription not to exceed fifty per cent. of the cost of construction thro' said County.

Transportation of the mail.

1854.

between the Postmaster General and the Governor of the State, and the refusal on the part of any Railroad Company to perform the services required by the Post Office Department, for the compensation agreed on by the Governor and the Postmaster General, shall subject said Company to a fine of one hundred dollars for each and every day they refuse to perform the said award, which shall be recoverable by an action of debt, by the Postmaster General, but not if he be in arrears for more than one quarter's compensation to such Company.

Branch Roads
to the North-
ern Boundary
line.

SEC. 24. *Be it further enacted*, That no Branch Roads from the main line of Railroad, provided for by this Act, between the waters of Pensacola or Escambia Bay and the junction with the Florida Railroad, shall be made to the Northern boundary line of this State, until that part of the line between the Suwannee River and the Florida Railroad has been constructed: nor shall any such Branch Road be made to a point West of the Alapaha River without the consent of all the Companies owning the several portions of the main line, and without the approval of the Trustees of the Internal Improvement Fund.

Transportation
of their iron rails
&c.

SEC. 25. *Be it further enacted*, That the completed portion of any Railroad authorized by this Act, shall carry the iron rails, spikes and plates or chairs required in the construction of any portion of the line indicated, at the uniform rate of two cents per ton per mile, and for such transportation shall receive in payment the capital stock of the Company for which the same was transported.

When County
City or Town
to cancel bonds

SEC. 26. *Be it further enacted*, That whenever any of the different Railroad Companies shall purchase and deliver to the County Treasurer, or to the City or Town Authorities, the Bonds issued by any County, City or Town, to pay the subscription of the Capital Stock of said County, City or Town, or any portion of them, the Treasurer of said County, City or Town shall transfer an equal amount of the Capital Stock of said Company to said Railroad Company, and it shall be the duty of the Treasurer of the County, City or Town Authorities to cancel and deface the Bonds exchanged.

Application of
the Sinking
Fund.

SEC. 27. *Be it further enacted*, That after the Railroad Companies indicated by the provisions of this Act, shall, for five consecutive years, pay six per cent. on the Capital Stock paid in, and the interest on the Bonded Debt, and apply the sum of one per cent. yearly to a sinking fund on said debt, then the Trustees of the Internal Improvement Fund may apply, under the direction of the Legislature, the annual income arising from said Fund to other purposes of Internal Improvement, or to the support of Schools, so long as the said Company shall continue to pay the same. But should any of said Railroad Companies thereafter fail to provide the interest upon their bonded debt, and one per cent. annually as a sinking fund, then said fund shall pay the deficiency on the interest account, from time to time as it may arise.

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SEC. 28. *Be it further enacted*, That the right of way through the State lands for two hundred feet in width, is hereby granted to the different Railroad Companies on the routes indicated, with the right to cut timber, and procure the necessary earth and stone, from the adjacent land, to construct and repair the same, and whenever it is necessary to construct turn-outs or side tracks, that this privilege may be extended to on hundred feet on each side of the Road, and of such side track.

Right of way
through State
lands.

SEC. 29. *Be it further enacted*, That the alternate Sections of the Swamp and Overflowed Lands for six miles on each side may be granted by the General Assembly to such Rail Road Companies, to be hereafter chartered, as they may deem proper, on their compliance with the provisions of this Act, as to the manner of constructing the Road and drainage, and the sale and transfer of the alternate Sections thus granted shall be in accordance with the provisions of this Act.

Alternate sec-
tions of swamp
and overflow-
ed lands.

SEC. 30. *Be it further enacted*, That no Bonds shall be issued to the Companies under the provisions of this Act, in aid of any part of their Roads not completed at the end of eight years from the passage of this Act, and any Company failing to grade twenty miles of their Road within four years from filing notice of their acceptance of the terms of this Act, shall forfeit all right to its benefits.

Forfeiture of
benefits of this
Act.

SEC. 31. *Be it further enacted*, That in addition to the Bonds authorized to be issued in the preceding Sections of this Act, there may be issued by the proper Rail Road Companies, Bonds to the amount of One Hundred Thousand Dollars for a Bridge crossing the Choctawhatchie River, and the like amount for a Bridge crossing the Apalachicola River; also One Hundred Thousand Dollars for the structures necessary to cross from the West side of Nassau River to Amelia Island, and Fifty thousand Dollars for the crossing of the Suwannee River— which Bonds shall be guaranteed and provided for in the same manner as those hereinbefore authorized: *Provided*, That said Bonds shall not issue except in payment for work done, and then only as the work progresses, upon the Certificate of the State Engineer that such work has been done, and that the amount of Bonds issued is required for the payment therefor.

Bridges across
Choctawhatch-
ie, Apalachico-
la, Nassau and
Suwannee Riv-
ers.

SEC. 32. *Be it further enacted*, That if any person shall, while in charge of a Locomotive Engine, or acting as the Conductor or Superintendent of a Car or train of Cars, or on the Car or train as a Brakeman, or employed to attend the Switches, Drawbridges, or Signal Stations, on any Railway in this State, be intoxicated, he shall be deemed guilty of a misdemeanor, and upon conviction before any Magistrate, shall be punished by fine or imprisonment at the discretion of the Court.

Intoxication of
Conductors and
others to be
punished as a
misdemeanor.

[Passed the House of Representatives, December 29, 1854. Passed the Senate, January 2, 1855. Approved by the Governor, January 6, 1855.]

1854.

CHAPTER 611.—(No. 2.)

AN ACT to authorize the "Cuba and United States Submarine and Territorial Magnetic Telegraph Company" to pass their lines of Telegraph through the State of Florida, and to protect the same.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That Samuel F. B. Morse, Samuel A. Kenneday and such other persons as now are, or may hereafter be associated with them, including the subscribers in this State, who have acquired from the said Samuel F. B. Morse the right to construct and carry on the *Electro Magnetic Telegraph* by him invented and patented, through this State and other States, on the route leading from Macon or Savannah in the State of Georgia, be, and are hereby constituted, with all needful and lawful authority and power, for the purpose of constructing, erecting and maintaining a line of the said Telegraph on the route aforesaid or any other route through and within this State; and for transmitting intelligence by means thereof, by the name and style of the "Cuba and United States Submarine and Territorial Magnetic Telegraph Company." That the main line or wire of the said Telegraph shall pass through the City of Tallahassee and such other places in this State, as would be the most natural and direct route to Cape Sable, or some other more suitable position on the Peninsula of Florida, the terminus of the Territorial portion of the said Telegraph; and a Telegraph station to be maintained and kept in the City of Tallahassee, Florida.

SEC. 2. *Be it further enacted,* That the capital stock of said Company may consist of six hundred thousand dollars, in shares of one hundred dollars each, to be issued to the Stockholders of the above mentioned Company, or who may hereafter contribute funds for the construction and improvement of the said line of Telegraph, in such proportions as the said owners and subscribers may agree upon.

SEC. 3. *Be it further enacted,* That the said Company shall have power and authority to build or purchase any connecting or side lines in this State, having acquired the right to do so from the owners of Morse's Patent, and may enlarge its capital for that purpose.

SEC. 4. *Be it further enacted,* That the President and Directors, Secretary and Treasurer of said Company, shall hold their respective offices for one year, and until their successors respectively shall be elected, and shall exercise such powers pertaining to the building and management of said Telegraph not repugnant to, or incompatible with the Constitution and Laws of this State and the United States, as may be authorized by the By-Laws of the said Company.

SEC. 5. *Be it further enacted,* That at every election each share

Who authorized to construct line of Telegraph.

To pass through Tallahassee.

Capital Stock.

To purchase side lines.

Powers and duties of the President and Directors,

shall entitle its holder to one vote; and absent Stockholders may vote by agents or proxies, producing written authority from them.

SEC. 6. *Be it further enacted*, That the "Cuba and United States Submarine and Territorial Magnetic Telegraph Company" shall have, possess, and exercise all the rights, privileges and powers granted to the said Company by the State of Georgia, and may hold such real and personal estate as the lawful purposes of said Company may require, and the same to sell and convey, or in anywise dispose of in whole or in any part, when no longer so required; to appoint such officers and agents as may be necessary to manage the business of the said Company, and allow them a suitable compensation therefor; to make By-Laws not repugnant to the laws of the land, and generally to use, exercise and enjoy all rights, privileges and franchises, which are incident, or which may be necessary and proper for carrying out the objects of said Company.

To have the same powers as granted to the same Company by the State of Georgia.

SEC. 7. *Be it further enacted*, That the said Company shall have power and authority to contract with any person or persons, or bodies corporate, for the purpose of connecting its line of Telegraph with lines out of this State.

Power to contract with.

SEC. 8. *Be it further enacted*, That the "Cuba and United States Submarine and Territorial Magnetic Telegraph Company" shall have power and authority to set up their fixtures along and across any High Road, which now or hereafter may belong to this State, any waters or water courses of this State, without the same being held or deemed a public nuisance, or subject to be abated by any private person: *Provided*, The said fixtures be so placed as not to interfere with the common use of such Roads, Waters, or Water Courses, or with the convenience of any land owner further than is unavoidable. And the said Company shall be responsible for any damages, which any Corporation or private person shall sustain by the erection, continuance and use of any such fixtures; and in any action brought for the recovery thereof by the owner or occupier of any lands, the damages may, at the election of the said Company, include the damages of allowing the said fixtures permanently to continue, on the payment of which damages, the right of the Company to continue such fixtures shall be confirmed, as if granted by the parties of the suit: *And provided further*, That no person or body politic, shall be entitled to sue for or recover damages as aforesaid, until the said Company, after due notice, shall have refused or neglected to remove the fixtures complained of within a reasonable time; and every person or persons who shall destroy or commit any trespass upon the fixtures of the said Company, erected in pursuance of the authority hereby given, actually interrupting, or with intent to interrupt the operations of the Telegraph of the said Company, shall pay to the said Company the sum of Five Hundred Dollars, for each and every such trespass, and shall be further liable for all damages which said Company may suffer in repairing the injury, and in the interruption of its business, to

Right to set up fixtures.

Damages how awarded.

Penalty for committing trespass upon the fixtures of said Company.

1854.

be recovered in an action of trespass; and shall be further liable to indictment, and on conviction, be fined or imprisoned, or both, at the discretion of the Court in which said indictment shall be tried; and if any person incurring the penalty aforesaid, shall, through insolvency or other cause, be unable, or shall fail to pay the penalty and damages aforesaid, and shall a second time destroy, or commit a trespass upon any such fixtures as aforesaid, such person shall be subject to be imprisoned for not less than one month nor more than six months upon being duly convicted thereof before any Court of competent jurisdiction.

To give immediate dispatch to the communications of the officers of this State, &c.

SEC. 9. *Be it further enacted*, That the said Company shall be bound, upon application of any of the officers of this State, or of the United States, acting in the event of any war, insurrection, riot, or other civil commotion or resistance of public authority, or in the punishment or prevention of Crime, or the arrest of persons charged, or suspected thereof, to give to the communications of such officers immediate dispatch; and if any officer, clerk, or operator of said Company shall refuse or wilfully omit to transmit such communications, or shall designedly alter or falsify the same for any purpose whatever, he shall be subjected, upon conviction thereof, before any Court of competent jurisdiction, to be fined and imprisoned according to the discretion of the Court, and in proportion to the aggravation of the offence; for transmitting such communications, the said Company shall charge no higher price than shall be usually charged by it for private communications of the same length.

Clerks and operators exempt from jury, patrol and militia duty.

SEC. 10. *Be it further enacted*, That the clerks and other operators actually engaged in the transmission of intelligence at the several Telegraph Stations of the said Company shall be, and they are hereby exempted from the performance of Jury, Militia, or Patrol duty.

How legal process to be served on said Company.

SEC. 11. *Be it further enacted*, That the service of the process of any Court of this State, shall be legal and valid on said Company, if the same shall be left at the office of the Company within any County of this State; *Provided*, the President of the Company is absent from, and beyond the limits of the said County; and this Act shall be deemed a public Act, and that it shall continue of force from the passage thereof; *Provided further*, that no exclusive rights and privileges shall be granted by this Act; *Provided, however*, that this Act shall not be construed to create or confer any corporate rights or privileges, and may at any time hereafter be repealed by the Legislature of this State.

Not to create or confer corporate rights.

[Passed the House of Representatives January 5, 1855. Passed the Senate January 12, 1855. Approved by the Governor January 18, 1855.]

CHAPTER 612.—[No. 3.]

AN ACT for the regulation of the Pilots and Pilotage at the Bay and Harbor of Pensacola.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the control and jurisdiction heretofore given to the Port Wardens of and for the Port of Pensacola over the Pilots of the Bay of Pensacola, be and the same are hereby vested in five persons to be styled "Commissioners of Pilotage of the Bay and Harbor of Pensacola," which said Commissioners shall be appointed by the Governor, with the advice and consent of the General Assembly, and shall hold their offices for the term of four years, and until their successors shall be appointed, and every appointment shall be made at every period of four years, and so often as vacancies shall occur, which vacancies shall be filled in the same manner till the next regular time of appointment. And each of the said Commissioners appointed under this Act, shall, before he enters upon the duties of his office, take and subscribe an oath or affirmation the same as Port Wardens of Pensacola Harbor have heretofore taken.

Control—in
whom vested.

How appointed
and term of
office.

Oath.

SEC. 2. *Be it further enacted,* That said Commissioners or a majority of them, shall have power and authority at their discretion to permit any person to act as a Pilot of the Bar of the Bay or Harbor of Pensacola, and shall make such enquiry respecting him and his qualifications as to the said Board of Commissioners or a majority thereof, shall appear necessary and expedient: *Provided, however,* Before granting such license to any person, it shall be the duty of the Board to appoint three nautical men to examine such applicant as to his competency to work or manage vessels, and of his knowledge of the Pilot grounds, currents, &c.; and no license shall be granted to any person, unless he receive the certificate of such examining Committee, or any two of them: *And provided also,* That said Commissioners shall not appoint more than four, unless it is deemed actually necessary for the good of Commerce.

Powers.

Examination
before license
to be granted.

SEC. 3. *Be it further enacted,* That the Commissioners of Pilotage shall have power and authority to prescribe to the Pilots of the Bay and Harbor of Pensacola, such orders and regulations, and to allow such fees and such penalties, not inconsistent with this Act, as to the said Commissioners or a majority of them may appear suitable and proper. And said Commissioners shall be liable to the same penalties and receive the same compensation heretofore allowed to the Port Wardens for similar services.

Powers.

Compensation.

SEC. 4. *Be it further enacted,* That said Commissioners of Pilotage shall give to every person appointed by them, a certificate of his appointment, signed by a majority of them or by their Chairman, by

Certificate of
appointment.

1854.

Oath of Pilot.

their direction, and such Pilot shall take and subscribe the following oath, which oath, either of said Commissioners is hereby authorized to administer, to-wit: I, A B, do solemnly swear (or affirm) that I will well and faithfully, and according to the best of my skill and judgment, execute and discharge the business and duty of a Pilot for the Bay and Harbor of Pensacola, and that I will at all times, wind, weather and health permitting, use my best exertions to repair and board all ships and vessels that I shall see and conceive to be bound for, or coming into or going out of the Bay or Harbor of Pensacola, unless I am well assured some other licensed Pilot is then on board the same; that I will from time to time, and at all times make the best dispatch in my power to convey safely every vessel committed to my care, coming into or going out of the Bay or Harbor of Pensacola, and that I will at all times well and truly observe, follow and fulfill, to the best of my skill and judgment, all such orders and directions as I may or shall receive from the Commissioners of Pilotage, relative to all things that may appertain to the duty of a Pilot; and I do further swear (or affirm) that I will not be interested, directly or indirectly, in the earnings of more than two Pilot Boats, nor in the earnings of any combination or co-partnership of Pilots, so help me God.

Bond required.

SEC. 5. *Be it further enacted*, That before the Commissioners of Pilotage shall deliver to any person a certificate of his appointment, they shall take from such person a Bond payable to the Chairman of said Board of Commissioners, and to his successors in office, in the sum of one thousand dollars, which Bond he, together with two good and sufficient securities, to be approved by a majority of said Commissioners, shall give for the faithful discharge of his duties agreeable to this Act; and said license shall be in force until their successors shall be appointed, or until he is deprived of his license in the manner herein provided for.

When Commissioners may declare license to be null and void.

SEC. 6. *Be it further enacted*, That the Commissioners of Pilotage or a majority of them, shall have power and authority to take away the license of any Pilot, and to declare his license null and void, whenever it shall appear to them that such Pilot has wilfully infringed or violated this act or the orders or regulations of the said Commissioners, or that he hath negligently, or carelessly lost or injured any vessel under his care, or that he is laboring under mental derangement or is so addicted to the habit of intoxication as to be unfit to be entrusted with the charge of a vessel, or becomes incompetent to discharge the duty.

When a Pilot may be deprived of his license.

SEC. 7. *Be it further enacted*, That if any Pilot shall discontinue to act for three months, or absent himself for ten days at any one time, from the Bay or Harbor of Pensacola, without leave of said Commissioners or a majority of them, he may be deprived of his license. And if at any time any vessel in the Bay or Harbor of Pensacola shall be in charge of any civil officer by virtue of any civil

process issued from any Court of Record in this State, and any Pilot shall conduct or pilot such vessel out of the Bay or Harbor of Pensacola while she is in charge of such civil officer, said Commissioners or a majority of them shall declare the license of such Pilot so offending, null and void; and he shall thereafter be disqualified for acting as a Pilot, and shall moreover be subject to indictment, and upon conviction, shall be fined such sum as the Jury shall assess.

SEC. 8. *Be it further enacted*, That every Pilot Boat cruising or standing out to sea, shall offer the service of a Pilot to the vessel nearest the Bar (except when he sees a more distant vessel in distress) under a penalty of fifty dollars for every neglect or refusal, either of approaching the nearest vessel, and of aiding her if required, or aiding any vessel showing signal of distress in the case above mentioned. And the Commissioners of Pilotage, or a majority of them, may at their discretion, deprive the Pilot (neglecting or refusing) as aforesaid, of his license.

To offer service to vessel nearest the bar

SEC. 9. *Be it further enacted*, That the Pilot who has brought a vessel into port, shall have the exclusive right of taking her out, unless the master of such vessel shall prove to the satisfaction of the Commissioners, or a majority of them, that such Pilot has misbehaved during the time he had charge of such vessel, or unless such Pilot has been deprived of his license before the departure of such vessel, in either of which cases another Pilot may be employed, who shall be entitled to receive the outward pilotage; and every Pilot having a right, or becoming entitled to take a vessel out as aforesaid, shall have the right to attend in person or to procure another Pilot out of the Pilot Boat to which he is attached, to attend for him on such outward bound vessel; but if such person shall neither attend in person nor substitute another Pilot as aforesaid, after the master of such vessel shall give notice in the manner hereinafter required, the master of such vessel shall be at liberty at the expiration of such time above stated to employ another pilot, who shall be bound, if not previously engaged, to take such vessel out, and said Pilot shall be entitled to such outward pilotage. And any person who shall carry out a vessel not being entitled to do so, shall be held liable to the pilot who had the right, in the amount of the pilotage due or paid for carrying her out, and any Pilot who has brought a vessel in, shall be entitled to his fees of Pilotage before her departure from port. And whenever a Pilot, having a right to carry a vessel out, is apprehensive that the master of such vessel will not pay his pilotage, he shall have a right to demand his fees in advance or such security for the payment thereof as shall be reasonable, and on failure thereof, to refuse to carry her out.

To take vessels out.

Right to demand fees in advance.

SEC. 10. *Be it further enacted*, That no person shall be authorized or permitted to conduct or pilot any vessel into or out of the Bay or Harbor of Pensacola, or over the Bar thereof, unless such person shall have a license as aforesaid; and any person not having such

Penalty for piloting vessels without a license.

1854.

license or having forfeited or been deprived thereof as aforesaid, who shall bring into or carry out of the Bay or Harbor of Pensacola, or over the Bar thereof, any vessel, shall not only be entitled to no fee or reward for the same, but for every such offence shall forfeit and pay the sum of One Hundred Dollars: *Provided, however,* That the foregoing prohibition shall not be construed to prevent any person from assisting any vessel in distress without a Pilot on board, if such person shall deliver up such vessel to the first Pilot who shall afterwards come on board and offer to conduct or pilot such vessel.

When vessels
to pay half pi-
lotage.

SEC. 11. *Be it further enacted,* That any master of a vessel bearing towards the Bay and Harbor of Pensacola with the intention of entering, (all coasters and other vessels trading between the port of Pensacola, Mobile and New Orleans, excepted,) who shall refuse to receive a Pilot on board, shall be and is hereby made liable, on his arrival in the Bay or Harbor of Pensacola, to pay the Pilot who first offered without the Bar to go on board and take charge of such vessel, one-half the rate of pilotage allowed to such vessel's draught: *Provided, however,* That if a Pilot refuse to exhibit his license to the master of a vessel, when the latter demands it, the master shall not be liable to such Pilot for rejecting his services.

Vessel leaving
to give notice
to the Pilot
who brought it
in.

SEC. 12. *Be it further enacted,* That whenever a vessel is in readiness to leave, the master thereof shall give notice to the Pilot, who conducted said vessel in, and when such notice cannot be given personally, it shall be given in the following manner, viz: all vessels lying in said Bay and Harbor shall hoist a *jack* at the foremast head twenty-four hours before leaving, and all vessels going down from Pensacola shall bring the east end of the Navy Yard to bear north before they shall be allowed to take any other Pilot or Pilots than those who conducted them in, and if the master of a vessel shall detain a Pilot on Board of his vessel, the wind and weather permitting her going to sea, such Pilot shall be entitled to receive three dollars for every day he is so detained, and if any master of a vessel shall carry off a Pilot from the Bay or Harbor of Pensacola, he shall pay, such Pilot two dollars for every day he is absent, and shall supply him with such provisions and other necessaries as is usual for the maintenance of masters of vessels, and the master as well as the owner of such vessel shall be liable for the same: *Provided, however,* That if such vessel shall have laid to for the space of four hours, after crossing the Bar, and no Pilot Boat shall appear to receive such Pilot on board, the Pilot shall not be entitled to receive the aforesaid sum of two dollars per day.

No combina-
tions or copart-
nerships of Pi-
lots.

SEC. 13. *Be it further enacted,* That no Pilot shall be entrusted directly or indirectly in the earnings of more than two Pilot Boats, nor in the earnings of more than one combination or partnership of Pilots, nor shall any combination or co-partnership of Pilots exist which shall be composed of more than two Pilots. And if any Pilot shall be directly or indirectly interested in the earnings of more than

two Pilot boats, or be interested directly or indirectly in the earnings of more than one combination or co-partnership of Pilots, or be a member of any combination or co-partnership composed of more than two Pilots, the Commissioners of Pilotage or a majority of them, shall declare the License of any and every Pilot offending under this Section or any part thereof, null and void. And every Pilot so offending shall forfeit and pay the sum, not exceeding one hundred dollars.

SEC. 14. *Be it further enacted*, That whenever a vessel is crossing over or is inside of the Bar of the Bay or Harbor of Pensacola, it shall be at the option of the master of any vessel to take or refuse a Pilot, and if such master require a Pilot, and shall indicate it by signal, and the nearest Pilot boat shall furnish a Pilot, the Pilot so officiating shall be entitled to one-half of the rate of Pilotage allowed to such vessel's draught; and any Pilot who shall refuse to board such vessel whenever required, as aforesaid, shall be deprived of his License by said Commissioners or a majority of them, and shall forfeit and pay the sum not exceeding one hundred dollars.

Vessels giving
signal for boat.

SEC. 15. *Be it further enacted*, That it shall be the duty of every Pilot for the Bay and Harbor as aforesaid, to deliver to the master of any and every vessel approaching the Bay and Harbor of Pensacola, as soon as he can board such vessel, any and all letters which may be sent to him for that purpose, on the person who requires the delivery of such letter or letters obligating himself to pay, or securing to such Pilot the payment of forty dollars for such services: *Provided, however*, That if after the delivery of such letter or letters, the master employs the Pilot, who has delivered them, to pilot his vessel into port, the Pilot shall be entitled to the sum of five dollars for the delivery of such letter or letters.

Fees for deliver-
ing letters
for Masters of
vessels.

SEC. 16. *Be it further enacted*, That the master, owner, or consignee of every ship or vessel shall pay the Pilot who conducts or pilots a vessel inward into or outward from the Bay and Harbor of Pensacola, in consideration of such services, the following rates of Pilotage, viz: On every vessel crossing the Bar of Pensacola Bay, drawing eight feet and under, two dollars per foot; on every vessel drawing more than eight feet and not exceeding twelve feet water, two dollars and fifty cents per foot; on all vessels drawing more than twelve, and not exceeding fifteen feet of water, three dollars per foot; all vessels drawing over fifteen feet of water, and not exceeding eighteen feet of water, three dollars and fifty cents per foot; and all vessels drawing over eighteen feet of water, four dollars per foot: *Provided*, That no coasting vessel, drawing eight feet or less than eight feet water, plying on the Gulf between Pensacola, Mobile, New Orleans, and the mouth of the River Grande, shall be subject to pay Pilotage unless the master of such vessel shall require the service of a Pilot.

Rate of Pilot-
age.

SEC. 17. *Be it further enacted*, That if any master of any ship

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Penalty for
throwing bal-
last into the
harbor.

or vessel, or other water craft, which shall hereafter come into the Bay or Harbor of Pensacola, shall throw from on board of such ship, or vessel, or other water craft, into the waters of said Bay of Pensacola, or within three miles of the outside of the Bar of said Bay or Harbor, any stone, gravel, or other ballast, he shall forfeit and pay a sum not exceeding two thousand nor less than one hundred dollars, and be imprisoned not exceeding three months, at the discretion of the Court wherein such offender shall be sued, one-half of said forfeiture to be paid to the first person who shall, on oath, before either of the officers hereinafter named, give information of such offence, and the other half to the use of the said Commissioners of Pilotage.

Duty of Com-
missioners of
Pilotage.

SEC. 18. *Be it further enacted*, That it shall be the duty of the said Commissioners of Pilotage, on having satisfactory evidence furnished them of the violation of the 17th Section of this Act, to sue for the said forfeiture in any Court having cognizance of the amount sued for, by process of attachment, to be issued in the same manner and subject to the same rules of construction, provided and established in other cases of attachment; the said attachment to be issued by either of the officers hereinafter named, and to be levied upon the ship or vessel or other water craft, the Captain or master of which shall be the alleged offender: *Provided, however*, That the oath be made by the informer or other creditable person, of the commission of the offence, before some Judge or Justice of the Peace, or Clerk of the Circuit Court of Escambia or Santa Rosa Counties; *And provided also*, That the said ship or vessel or other water craft, may be replevied, on the Captain, master or consignee thereof giving bond, with good and sufficient securities, to be approved by the officer issuing the attachment, in treble the amount of forfeiture or penalty sued for, conditioned for the forthcoming of the said ship or vessel or other water craft to satisfy such judgment as shall be recovered in the suit.

Duty of Pilots
in regard to
the violation of
the 17th Sec-
tion.

SEC. 19. *Be it further enacted*, That it shall be the duty of every Pilot of the Bay or Harbor of Pensacola, to inform said Commissioners of Pilotage of every violation of the seventeenth Section of this Act coming to their knowledge, as soon as possible after knowing thereof; and every Pilot who shall know of such offence having been committed, and who shall fail to give such information as soon as possible, shall forthwith be deprived of his License, and shall be forever thereafter disqualified for the office of Pilot of the Bay or Harbor of Pensacola.

Commissioners
to sue.

SEC. 20. *Be it further enacted*, That the said Board of Commissioners, or a majority of them, be, and they are hereby authorized to sue for and recover any of the penalties and forfeitures under this Act, to their own use.

Branch Pilots,
how appoint-
ed.

SEC. 21. *Be it further enacted*, That all branch Pilots shall be appointed by the Commissioners of Pilotage or a majority of them, and whenever a vacancy occurs in a branch, the person who has served the longest time as an apprentice, shall be appointed to said

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vacancy, if deemed competent by said Commissioners: *Provided*, That no person shall hold a branch, who is not engaged in piloting.

SEC. 22. *Be it further enacted*, That when a Pilot Boat belonging to a different Pilot than the one who has conducted any vessel out to sea, shall take such Pilot off from said vessel, said Pilot Boat shall be entitled to one-third of said vessel's pilotage.

One-third Pi-
lotage.

SEC. 23. *Be it further enacted*, That all laws conflicting with the provisions of this Act be, and the same are hereby repealed.

Repeal.

[Passed the House of Representatives, January 9, 1855. Passed the Senate, January 9, 1855. Approved by the Governor, January 13, 1855.]

CHAPTER 613.—[No. 4.]

AN ACT to provide for the appointment of Inspectors of Tar and Turpentine in this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That it shall be lawful for the Governor of this State to appoint and commission in and for the several Counties of this State such Inspectors of Turpentine and Tar as he may deem necessary for the public good: *Provided*, That he shall in no case appoint more than two Inspectors for each County.

Inspectors to
be appointed.

SEC. 2. *Be it further enacted*, That every person so appointed, before entering upon the duties of his office, shall take an oath, to be administered by any Justice of the Peace in the County, faithfully and impartially to execute the duties of his office and make true returns. He shall be in readiness at all times during business hours to discharge said duties, and shall, at the request of the purchaser or seller, certify in detail the weight and merchantable condition of all Tar and Turpentine inspected by him. He shall be liable in any Court of competent jurisdiction for malfeasance in office and fraud, and on conviction shall be removed from office, and shall be liable to damage at the suit of the party aggrieved.

Oath and du-
ties.

Malfeasance,
penalty for.

SEC. 3. *Be it further enacted*, That every maker of Tar and Turpentine shall mark or brand every barrel of the same made by him with the initial letters of his or her name, not less than one inch long, under the penalty of ten cents for every barrel that may not be so branded or marked, and every person so failing or neglecting shall also pay one half cent per barrel to the Inspector for marking the same with the initial letters of the maker's name, which fee shall be paid by the person paying the fees of inspection and by him may be charged to the makers.

Barrels to be
marked and
branded.

Penalty for
failure.

SEC. 4. *Be it further enacted*, That the Inspector shall make a difference with respect to the various qualities of Turpentine dippings and scrapings, designating the character of each barrel in the follow-

Difference to
be made be-
tween dip-

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pings and scra-
pings and how
designated.

Allowances
and deductions
when to be
made by In-
spectors.

Barrels how to
be made and
their weight.

Standard
weight of bar-
rels when full.

Deductions,
when to be
made.

Inspector to
keep a record.

ing manner: That which he finds to be pure Virgin Dip, he shall mark with the letter V; pure Yellow Dip, he shall mark with the letter D; pure Scrape, he shall mark with the letter S; Virgin Dip, that is impure or mixed, with the letter (V) within a circle; Yellow Dip, that is impure or mixed, with the letter (D) within a circle, and for Scrape not passable, (X) within a circle.

SEC. 5. *Be it further enacted*, That the Inspector shall in all cases inspect and make allowances and deductions on Turpentine or Tar with reference to the following particulars, viz: First, when Virgin Dip is dipped from burnt boxes or contains burnt cinders or sand. Second, when Virgin Dip is mixed with chips, bark or any other impurities. Third, when Virgin Dip is mixed with Yellow Dip or Scrape. Fourth, when Yellow Dip is mixed or contains chips, straw, bark scrape, or sand, or other impurities. Fifth, when scrape contains more chips than are absolutely necessary to get it off, or dirt or other impurities. Sixth, when Yellow Dip, Virgin Dip, Scrape or Tar contains water, or there is an excess of wood in the barrels containing it, or it is injured by long standing or leakage. Seventh, when Tar or Turpentine of any class is contained in insufficient or unmerchantable barrels.

SEC. 6. *Be it further enacted*, That barrels containing Turpentine of any class, shall be made from staves not less than five-eighths, nor more than seven-eighths of an inch thick, and not less than thirty, nor more than thirty-two inches in length, with heading not less than six-eighths, nor more than nine-eighths of an inch thick, and shall be bound with twelve good hoops, and shall weigh not more than forty-five pounds when empty. Barrels containing Tar shall be made of staves not less than six-eighths, nor more than eight-eighths of an inch thick, and thirty inches in length, with heading not less than one inch, nor more than one inch and a half in thickness, and be bound with fourteen good hoops. Barrels containing Scrape shall be made as above provided for barrels containing Turpentine, except that they shall be bound with eight good hoops, and shall not weigh when empty, more than forty pounds.

SEC. 7. *Be it further enacted*, That the standard weight of a barrel of Turpentine when full shall be two hundred and eighty pounds gross, and of a barrel of Tar three hundred and twenty pounds gross, and the Inspector shall in all cases make allowances and deduction, when the weight is greater or less than the standard weight, or the Tar or Turpentine is contained in barrels other than is provided by this Act. The Inspector shall keep a book, in which shall be fairly entered the maker's name and the mark of every barrel of Tar and Turpentine, and the number of barrels inspected by him of the same mark, the purchaser's name causing the same to be inspected, the time of inspection and the allowances or deductions made, and shall give a certificate of any lot, or parcel, to any person requiring the same, on the payment of ten cents.

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SEC. 8. *Be it further enacted*, That the decision of an Inspector made in writing or entered upon his books, shall be final, and no appeal shall be had from his judgment, but it shall be binding upon both parties.

Decision of Inspector final.

SEC. 9. *Be it further enacted*, That for each barrel of Tar or Turpentine which he shall inspect, the Inspector shall receive five cents as his fee, to be paid in all cases by the purchaser or shipper.

Fees of Inspector.

SEC. 10. *Be it further enacted*, That any Inspector may discharge the duties of his office in any County of this State, immediately adjoining the County for which he may be appointed.

Inspector may discharge duties in adjoining county.

SEC. 11. *Be it further enacted*, That it shall be unlawful for any person to export Tar or Turpentine out of this State that has not been inspected and marked by the Inspector, as above provided, under a penalty of twenty cents for each and every barrel of Tar or Turpentine so unlawfully exported.

Penalty for exporting without inspection.

SEC. 12. *Be it further enacted*, That no part or portion of this Act shall be so construed as to be considered obligatory upon the growers of Tar and Turpentine in this State.

This Act not obligatory on growers in this State.

[Passed the House of Representatives December 28, 1854. Passed the Senate January 1, 1855. Approved by the Governor January 6, 1855.]

CHAPTER 614—[No. 5.]

AN ACT to authorize the Drainage of Alachua Savannah.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That M. Stark Perry, James Kincaid, Washington W. Geiger, William Lewis and George R. Fairbanks, are hereby appointed Commissioners for the purposes and with the powers hereinafter mentioned. The said Commissioners or such of them as shall act, shall take an oath or affirmation well and faithfully to discharge the duties of their trust; and shall account to the Comptroller when thereunto required by him for the expenditure of all monies which may come into their hands as such Commissioners.

Commissioners appointed.

Oath.

Account to the Comptroller.

SEC. 2. *Be it further enacted*, The said Commissioners may, as far practicable, cause to be drained the body of Land known as the "Alachua Savannah," in the County of Alachua, by turning the waters of Newnan's Lake into Orange Lake, by ditching the Savannah and making a cut into Orange Lake, or by such other means as the said Commissioners may deem economical and necessary.

Alachua Savannah, how to be drained.

SEC. 3. *Be it further enacted*, The Commissioners aforesaid shall have power to assess and collect from time to time, such sum or such sums of money on the lands embraced in said Alachua Savannah, including those bordering on the outlet of Newnan's Lake, and all arms of said Savannah, or such low lands as may be along and adjoining

Power to assess and collect money on lands.

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to such drains, as they shall deem necessary to carry on and complete the work hereinbefore set forth, not exceeding in the whole, the sum of Thirty-five Thousand Dollars.

SEC. 4. *Be it further enacted*, The said Commissioners shall assess said Lands, in proportion to the quantity and quality of acres owned by each person to be benefitted by such improvement, and shall leave a copy of their assessment with the Clerk of the Circuit Court of Alachua (County) for sixty days before the day when such assessment is made payable, and the persons assessed shall have the same opportunity and means of correcting their assessment as are provided in the assessment of State and County Taxes.

SEC. 5. *Be it further enacted*, The sum or sums of money so assessed on said Lands shall be paid to the said Commissioners within three months after said assessments are so filed with the aforesaid Clerk of the Court, of which said filing, notice shall be given by publication or posting, in three public places, and also by publication for four weeks in some newspaper in an adjoining County, and in case the said sum or sums remain unpaid, then the said Commissioners shall return said assessed Lands on which said sum or sums remain unpaid, to the Sheriff and Tax-Collector of said County of Alachua, who shall proceed to publish and collect the same in the same manner as of lands for the non-payment of State and County Taxes in all respects, and any purchaser of said Lands, under the provisions of this Act, for the non-payment of any assessment, shall stand in the same position with respect to the future assessments which may be made thereon, as the original possessor thereof, and be liable to pay the same in the same manner.

SEC. 6. *Be it further enacted*, The said Commissioners are required to complete the said work within five years from the passage of this act.

SEC. 7. *Be it further enacted*, The said Commissioners, or such of them as shall act, shall be entitled to receive from the funds collected by them the sum of two dollars per day for the time actually and necessarily employed in the discharge of their duties.

[Passed the Senate, December 14, 1854. Passed the House of Representatives, December 21, 1854. Approved by the Governor, January 6, 1855.]

CHAPTER 615.—[No. 6.]

AN ACT to amend an act in relation to Pilotage at the Port of Key West.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That from and after the passage of this act, the Governor shall, by the consent of the General Assembly of Florida, be, and he is hereby authorized to appoint five discreet and proper persons to act as Com-

Assessment,
how made.

Money assess-
ed when to be
paid.

Notice to be
given.

On failure to
Sheriff and
Tax-Collector
to proceed as
in cases of St'e
taxes.

Purchaser of
lands to be as-
sessed.

Work to be
completed in
five years.

Compensation
of Commission-
ers.

Commissioners
how appointed.

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missioners of Pilotage for the Port of Key West, three of whom shall be a competent Board for the transaction of business.

SEC. 2. *Be it further enacted*, That the Commissioners so appointed shall hold their offices for the period of four years, but in case of any vacancy, by death, resignation or otherwise, of any members of said Commissioners of Pilotage so appointed, the Board shall be and they are hereby authorized to fill such vacancy or vacancies by the appointment of such other person or persons as may be advisable and necessary.

Term of office.

Vacancies how filled.

SEC. 3. *Be it further enacted*, That the said Commissioners of Pilotage, before entering on the duties of their office, shall severally make oath in writing before the Judge of Probate to discharge their duties as Commissioners of Pilotage, diligently, faithfully and emphatically to the best of their skill and ability.

Oath.

SEC. 4. *Be it further enacted*, That the said Commissioners shall, at their first session, appoint one of their own members Chairman of said Board, whose duty it shall be to keep a record of their proceedings, which record shall be transferred to their successors in office, to see that the Bye-Laws and Regulations of said Board, not conflicting with the Laws of the United States or of this State, are carried into effect.

Chairman when appointed and duties.

SEC. 5. *Be it further enacted*, That the said Commissioners shall appoint all applicants to act as Pilots, that are fully competent to serve as such, being first duly examined by said Commissioners, and before any such Pilot shall enter upon the duties of said office, he shall make oath and give Bond to the satisfaction of said Commissioners, in the sum of one thousand dollars, faithfully and properly to perform the duties of said office.

Shall appoint Pilots.

Oath and bond of Pilots.

SEC. 6. *Be it further enacted*, That the rates established by said Commissioners for the Pilotage of any vessel or vessels over the bars and channels into and out of the Harbor of the Port of Key West, shall not exceed the following: For Merchant Vessels drawing 12 feet and under, \$2 50 per foot; over 12 to 16 feet, \$3 50 per foot; over 16 feet, \$4 00 per foot: For Vessels of War Drawing under 12 to 16 feet, \$4 00 per foot; over 16 to 18 feet \$4 50 per foot; over 18 feet, \$5 00 per foot.

Rates of Pilotage.

SEC. 7. *Be it further enacted*, That the said Commissioners of Pilotage shall have power to make such other rules and regulations for the Government of Pilots as to them may seem expedient.

Power to make rules.

SEC. 8. *Be it further enacted*, That all laws and parts of laws in relation to Pilotage at the Port of Key West, in force before the passage of this act, be and the same are hereby repealed.

Repeal.

[Passed the Senate, December 11, 1854. Passed the House of Representatives' December 22nd, 1854. Approved by the Governor, January 6, 1855.]

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CHAPTER 616.—[No. 7.]

AN ACT to create a State Librarian.

Secretary of
State Ex-Offi-
cio Librarian.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That from and after the passage of this act, the Libraries known as the Executive, Legislative and Judicial of this State, be and the same are hereby placed under the care, management and superintendence of the Secretary of State, who is hereby declared ex-officio Librarian of the State of Florida.

To arrange and
keep books.

SEC. 2. *Be it further enacted,* That it shall be the duty of the said Librarian to arrange and keep the Books belonging to the Executive and Legislative Library in his own office, to be and remain subject to the uses and objects of the Law for their establishment, and the books belonging to the Judicial Library shall be arranged, kept and preserved in the room, known as the Supreme Court room, at the Capitol, for the use of the Court and Legislature, but in no instance shall he permit the same to be taken from the Capitol.

Catalogue to
be made.

SEC. 3. *Be it further enacted,* That the said Librarian shall make or cause to be made a correct and full catalogue of the Books in the several offices under his charge, and when there are duplicate copies of any one book, work, or map, in any of the aforesaid Libraries, he is permitted and hereby authorized to exchange the same with any person or persons, State or States, for any other different work, book or map, with a view to the improvement and increase of the Libraries aforesaid.

Authorized to
exchange.

Amount to be
expended for
cases and bind-
ing.
How audited.

SEC. 4. *Be it further enacted,* That the Librarian aforesaid shall be authorized to expend one hundred dollars, in procuring proper cases and in having the necessary binding done for said Libraries, the said account to be certified by him and audited by the Comptroller according to Law.

Compensation.

SEC. 5. *Be it further enacted,* That the said Librarian shall receive for his services aforesaid the yearly salary of two hundred dollars, to be paid quarterly as other officers of the State.

[Passed the Senate December 29, 1854. Passed the House of Representatives January 4, 1855. Approved by the Governor January 11, 1855.]

CHAPTER 617.—[No. 8.]

AN ACT to Incorporate the Tallahassee and Quincy Plank Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That an association is hereby authorized to be formed for the purpose and with the object of constructing and maintaining a Plank Road be-

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tween the city of Tallahassee in the County of Leon, and the town of Quincy in the County of Gadsden; that the said Company when organized, agreeably to the provisions of this Charter, shall be known and designated as "The Tallahassee and Quincy Plank Road Company," and by that name shall be entitled to sue and be sued, plead and be impleaded, to adopt a common seal and at pleasure to alter or break the same, and otherwise to have and enjoy all the rights, privileges and immunities of a body politic and corporate.

SEC. 2. *Be it further enacted*, That the capital stock of said Company shall be forty thousand dollars, with the privilege to the Board of Directors, at any time in their discretion, to increase the same to any amount not exceeding one hundred thousand dollars.— That the said capital stock shall be divided into shares of one hundred dollars each, and books of subscription shall be opened for the same simultaneously at Tallahassee and Quincy, under the superintendence and control of the following named individuals (any three of whom shall be authorized to act in the premises,) viz: Thomas Munroe, Philip A. Stockton, William H. Gibson, Henly H. Lipford, Eli Gilbert, P. W. White, Thos. H. Hodgkiss, Bolling Baker; that the Commissioners previous to opening the said books, shall cause to be inserted in one of the newspapers published in the city of Tallahassee, an advertisement giving at least ten days notice of the time and place of opening the same, and the said books shall be kept open for the space of ten days at least, and if at the expiration of that time it shall be ascertained that there has been an excess of subscription, the said Commissioners shall be authorized to make a just and equitable apportionment of the same amongst the respective subscribers.

SEC. 3. *Be it further enacted*, That whenever twenty thousand dollars of the capital stock shall have been subscribed, the said Commissioners, or such of them as may have superintended the opening of the books, shall give at least ten days notice in one of the newspapers published in the city of Tallahassee, of the closing of the books of subscription, and shall also call a general meeting of the subscribers to the stock of the Company, which meeting shall be held either in the city of Tallahassee or in the town of Quincy, and the subscribers present, if they shall represent a majority of the shares subscribed, shall then and there proceed to elect a Board of Directors to consist of five members, one of whom when so elected shall be chosen as the President of the Board of Directors, and the Corporation shall thenceforth be deemed and held to be fully organized.

SEC. 4. *Be it further enacted*, That the Board of Directors shall be annually chosen by the stockholders in general meeting convened, at such time and place as they may, by their by-laws, direct, and each Director shall, at the time of his election and for the space of one month immediately prior thereto, have been the *bona fide* owner in his own right of at least five shares of the capital stock of the said Company: *Provided*, That if from any cause said election shall ad

Name and
powers.

Capital Stock.

Books of sub-
scription to be
opened.

Notice to be
given.

Apportionme't
of Stock when
to be made.

Notice of clos-
ing of books
when to be
given.

Meeting of sub-
scribers.

Directors to be
elected.

President.

Directors to be
annually elect-
ed.

Qualification
of.

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Directors to
hold over.

President
when elected.

To hold over.

Manner of vot-
ing.

Power to aug-
ment or cur-
tail Directors.

Proviso.

Power to ap-
point officers
and agents and
to make rules
and regula-
tions, &c.

Road to be
constructed.

May cross but
not obstruct
other roads ex-
cept by per-
mission of Co.
Commissioners

Right to make
examination
and surveys.

Invested with
all powers nec-
essary to con-
struct road.
Holders of land
authorized to
contract for
sale or right of
way, or for ma-
terials.

any time fail to take place, the Board of Directors then in office shall hold over and continue in office until their successors shall have been elected and duly organized; that the President of the Board of Directors shall be elected by the Directors at their first meeting after the Board shall have been organized, and shall continue to hold his office until his successor shall have been duly elected, and have entered upon the duties of his office; that in all elections of Directors, and in all votes which may be taken upon any subject or proposition submitted to a general meeting of the stockholders, each stockholder shall be entitled to as many votes as he may own shares in the capital stock of the Company, but no one shall be entitled to vote who may be in arrears for any instalment which may have been required to have been paid upon his stock.

SEC. 5. *Be it further enacted*, That the said corporation, after the first organization, shall have power to augment or curtail the number of Directors: *Provided*, That the Board shall never be reduced to less than three members; that the Board of Directors shall have power to appoint from time to time such subordinate officers and agents as they may deem necessary to conduct the affairs of the Company, and shall also have power to make rules and regulations for the government of themselves and their said officers and agents, and also to prescribe and enforce, under appropriate penalties, rules and regulations for the government of vehicles passing and repassing on the said Road.

SEC. 6. *Be it further enacted*, That the said corporation shall have the right to construct and maintain a Plank Road between the City of Tallahassee and the town of Quincy upon such route as they may deem most judicious and advisable, and may cross other public Roads and Highways but not obstruct or appropriate the same unless by license and permission of the County Commissioners of the County in which the said Road or Roads may be located; and the said Commissioners are hereby empowered in their discretion to grant such permission, and the said corporation shall have the right to make or cause to be made such examinations and surveys as may be deemed necessary in order to locate the route of the said Road.

SEC. 7. *Be it further enacted*, That the said corporation shall be invested with all the rights and powers necessary for the construction and maintenance of the said Plank Road, and when the route of said Road shall pass over the land of an individual, or it may be desirable to use the material therefrom, such individual, whether he hold the land in his own right or in any fiduciary character, shall be authorized to contract with the said corporation for the sale of said land or for the right of way over the same, or for the material thereon.

SEC. 8. *Be it further enacted*, That if the President and Directors of said Company cannot agree with the owner or person controlling said Land or materials for the purchase of the same, it is hereby made the duty of the Circuit Court of the County in which such Land or

materials are situated, upon application being made to him by the said President, to issue a writ of *ad quod damnum* directed to the Sheriff, commanding him forthwith to summons a jury of seven freeholders resident citizens of the County, to assess the damages to ensue from the construction of the said Road, or from the appropriation of said materials; and said jury, before examining the premises, shall take an oath to be administered by a Justice of the Peace, to enquire into and to the best of their judgment to assess the damages, if any, which are likely to accrue to the owner of said Land or materials over and above the benefit which may result from the construction of the said Road, and shall award the same by their verdict, all of which proceedings, together with the award of the jury, shall be returned by the Sheriff forthwith to the office of the said Clerk, with his proper endorsement thereon. The same costs shall be allowed to the jury, Sheriff and clerk as are allowed in other cases of a like nature, and when payment of an equivalent amount has been previously tendered by the Company to the owner or person controlling said Land or materials, if the damages assessed by the jury do not exceed the amount so tendered, said owner or person controlling said Land and materials shall pay the costs of said writ and proceedings thereon, and the jury shall so enquire and return the fact in their verdict; upon the return of the said proceedings to the office of the Clerk, it shall be the duty of the Judge of the Circuit Court of said County, at the next term of the said Court, to enter up judgment in the premises corresponding with the said verdict and award, which judgment shall have the effect to vest in the said Company all the right, title, and privilege which may be necessary for the construction and maintenance of the said Plank Road, without let or hindrance: *Provided nevertheless*, That the said Company shall have no right to enter upon the said Land, or to take or appropriate any of the said materials by virtue of the said judgment, until they shall have paid or offered to pay such amount as may have been awarded against them.

SEC. 9. *Be it further enacted*, That the Stockholders may regulate the time, place, and mode for electing Directors, creating officers, prescribing their duties and compensation, and for fully organizing the Board of Directors. The Board of Directors shall have authority to prescribe the amount of each instalment to be paid on the stock subscribed, and may direct the time and place of payment. If any Stockholder shall fail or refuse to pay the amount of any instalment required to be paid, the Board of Directors may, upon giving to said Stockholder thirty day's notice of such default, proceed to declare the shares of stock held by the said defaulter to be forfeited to the Company, and the same shall thenceforth become the property of the Corporation, without any abatement for any payments which may have theretofore been made on the same, or the Board of Directors may, at their option, omit to declare the said forfeiture and proceed

Damages how assessed when price cannot be agreed on.

Costs to be allowed.

When owner of land to pay costs.

Duty of Judge of Circ't Court.

Effect of Judgment.

Company to pay amount awarded before entering on land.

Stockholders may regulate time, place and mode of electing Directors, Officers, &c.

Directors may call for instalments on stock.

Penalty for failure to pay.

1854.

Exclusive privilege to run wagons, &c.

May lease out privilege.

Not to prevent farmers from running their own wagons with their produce and supplies.

Tolls.

Forfeiture for running on road without license.

Forfeiture for using road without paying toll, &c.

Penalty for injuring or destroying, or forcibly passing gates.

Road vested absolutely in Corporation
us.

by suit against the said defaulting Stockholder for the recovery of the said instalment.

SEC. 10. *Be it further enacted*, That the said Company shall have and enjoy the exclusive privilege of running over the said Road, Wagons, Carriages, and other vehicles for the transportation and conveyance of freight and passengers for hire; or, they may at their option lease out the said privilege from time to time, upon such terms as may be agreed upon: *Provided*, That this grant of exclusive privilege shall not be so construed or interpreted as to debar the Farmers and Planters of the County from the right to convey over the said Road, with their own wagons and teams, the agricultural produce of their plantations and farms, and the supplies necessary for the support and maintenance of the farm; nor to prevent individuals from traveling over the said Road in their own Carriages or other vehicles, upon the payment of such uniform rate of toll as may from time to time be established by the said Company, which uniform rate of toll the said Corporation are hereby authorized and empowered to establish and fix, and to erect and maintain such a number of toll gates on the said road as may be deemed necessary to enforce the efficient collection of the said tolls.

SEC. 11. *Be it further enacted*, That if any person shall run or cause to be run over the said Road, or any part thereof, without first having obtained the special license or permission of said Company, any Wagon, Carriage, or other vehicle, conveying freight or passengers for hire, said person so offending shall forfeit to the said Company for each offence, the sum of Fifty Dollars, and any other person or persons, using said Road without paying the regular established toll, or who shall avoid or endeavor to avoid the payment of the same by going around the toll gates, or any of them, or otherwise, shall for each offence forfeit to the said Company the sum of five dollars; and all forfeitures accruing from either of the foregoing causes, shall be recoverable in any Court of the State having jurisdiction of the amount, without regard to the residence of the party so offending.

SEC. 12. *Be it further enacted*, That if any person shall wilfully break or throw down any Gate, Toll House, or fence, erected on the said Road or appurtenances thereto, or shall injure or destroy the same in any manner, or shall destroy, deface, or injure the said Road, or anything belonging or appertaining thereto, or shall forcibly pass any gate without having paid the toll required of him, every person so offending shall be liable to be indicted as for a misdemeanor, and upon conviction shall be fined in any sum not exceeding Five Hundred Dollars, at the discretion of the Court, and shall also be liable to the Company for civil damages.

SEC. 13. *Be it further enacted*, That the said Plank Road and its appurtenances shall vest in the said corporation, their successors and assigns, in fee simple and absolutely, and the stock or share in

the same, shall be deemed and held, to all intents and purposes, to be personal property, and shall be governed by the laws regulating the same as contradistinguished from real estate.

SEC. 14. *Be it further enacted*, That the General Assembly may at any time, (if they should deem it proper,) by special enactment, assess a reasonable tax upon the property of the said Corporation: *Provided*, That the said tax shall be assessed and levied in the same manner and to the same extent as may be assessed and levied upon similar property owned by private citizens, and not otherwise or to any greater extent.

SEC. 15. *Be it further enacted*, That the construction and building of said Road shall be undertaken and commenced within twenty-four months from the date of the approval of this bill, otherwise all the former privileges and immunities hereinbefore granted, shall be forfeited and annulled.

[Passed the Senate December 13, 1854. Passed the House of Representatives January 11, 1855. Approved by the Governor January 17, 1855.]

1854.
Stock personal
property.

Property of
Corporation
may be taxed.

Proviso.

When building
of road to be
commenced.

CHAPTER 618.—[No. 9.]

AN ACT to incorporate the Palatka and Micanopy Plank Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That William D. Moseley, Marcellus A. Williams, Isaac H. Bronson, John W. Pearson, M. S. Perry, Elias Banknight, Thomas P. Kelly, Albert E. Hentz, James B. Brown, John L. Kirkland, Robert T. Boyd, David L. Yulee, George Lightner, Robert A. Child, George R. Fairbanks, William A. Forward, and others their associates, who have signed the articles of association and subscription for a Plank Road from Palatka to Micanopy, together with all other persons who shall hereafter subscribe for any shares of the Capital Stock of the Company hereby organized, shall be and are hereby declared to be a body politic and corporate in fact and in name, by the name of the Palatka and Micanopy Plank Road Company, and by that name and style they and their successors shall have succession as a Corporation, and may sue and be sued, plead and be impleaded, in all Courts and places whatsoever, and may have and use a common seal and alter the same at pleasure, and may hold, purchase, and convey such real and personal estate as the purposes of the Corporation may require, or as may be authorized by law.

Name and
powers.

SEC. 2. *Be it further enacted*, That the said Company may be and hereby is authorized and empowered to proceed at any time after the passage of this act to make, construct, maintain and own the Plank Road, contemplated by their articles of association and subscription, that is to say a Plank Road from Palatka in the County of

May construct
road.

1854.

Route to be surveyed.

Other powers.

May make branches and increase Capital Stock.

Capital Stock.

Directors may receive further subscriptions.

May increase Capital Stock and how and when.

Directors.

When elected and how.

Shall choose a President.

Directors for first year.

26th Section of general Act applicable to Company.

May enter upon lands, &c.

Putnam to Micanopy, in the County of Alachua, by such route as they may deem most feasible and direct, and at the same time most practicable and judicious, and for that purpose to cause the route of such Road to be surveyed and located, or to adopt any surveys that may have been already made, and they shall have and possess all such other corporate powers and privileges as are usual and necessary for the exercise of the powers herein given and granted, together with the right and power of making and constructing a Branch or Branches from some point on the said Road, or from the terminus thereof at Micanopy, to such point or places in the Counties of Alachua and Marion as they may deem advisable and judicious, and called for by the public interest, and to increase their Capital Stock and open new subscription Books therefor for the purpose of constructing any such Branch or Branches.

SEC. 3. *Be it further enacted*, That the Capital Stock of the said Company hereby incorporated, shall be fifty thousand dollars, to be divided into one thousand shares, of fifty dollars each, and in addition to the subscriptions already received, the Directors may open books and receive further subscriptions until the whole amount of said Stock shall be subscribed for, and the Directors of the said Company may and are hereby authorized to increase the said Capital Stock by Resolution to be duly entered, in case any increase shall be necessary for the completion of the said Road or Branches, and in case the Capital Stock is increased, new books of subscription may be opened by the Directors and subscriptions received therefor, until the amount of the increase is subscribed for.

SEC. 4. *Be it further enacted*, That the business, property and affairs of said Company shall be managed and controlled by a Board of Directors to consist of seven Stockholders of said Company, who shall be elected annually in the month of December in each year after the present, in such mode and manner and on such notice as is provided for in the 25th Section of the act entitled "An Act for the Incorporation of Plank Road Companies," approved January 24th, 1851, and they shall choose one of their number to be President of said Board: *Provided, however*, That the Board of Directors for the first year, after the passage of this act, shall consist of William D. Moseley, Marcellus A. Williams, Isaac H. Bronson, John W. Pearson, M. Starke Perry, Elias Bankright and Thomas P. Kelly, who shall continue in office until the first election in December, 1855, and until others are elected in their places.

SEC. 5. *Be it further enacted*, That all the provisions of the 26th Section of the General Act aforesaid, entitled "An act for the Incorporation of Plank Road Companies," shall be and are hereby declared to be applicable to such Company.

SEC. 6. *Be it further enacted*, That after the said Plank Road, (or other Branches if any) shall have been surveyed and the route or line thereof fixed upon or located by the Directors, the said Compa-

ny may then enter upon and take possession of the lands to the extent of not succeeding three rods in width on each side of the line of said Road, in all not exceeding six rods wide, and have and hold the same for the purposes of said Road and use the timber and materials thereon, and adjoining said road, for the purpose of constructing the same: *Provided always*, That in case the line of said Road or Branches shall run through lands owned by individuals or corporations, the said Company shall not enter upon or use such lands or timber, &c., unless they shall first acquire the right to do so by release, grant, or permit from the owner or the person having the legal charge or control thereof, or in case the said Company shall not be able to obtain such grant, release or permit, then not until the the damages, if any, for such entry, use and possession shall have been first assessed and paid, or tendered in the mode and manner provided in the 11th, 12th, 13th and 14th Sections of the act aforesaid, entitled "An Act for the Incorporation of Plank Road Companies," approved 24th January, 1851, and all the provisions of the aforesaid 11th, 12th, 13th and 14th Sections of said Act are hereby made and declared to be applicable to the said Company hereby incorporated, in the same manner as though the said Sections were incorporated in this Act.

SEC. 7. *Be it further enacted*, That as soon as any five miles of said Plank Road shall be constructed and completed, the said Company may proceed to erect gates thereon and to charge and collect tolls for the use thereof, at such rates and prices as they shall deem judicious; and all persons travelling upon said Road with any Cart, Carriage, Wagon or other vehicle, or who shall ride, or drive any Horse, Mule or other animal thereon, or who shall in anywise use said Road except as foot passengers, shall be bound to pay such tolls as the said Company may, from time to time, establish, and the toll gates on said Road may, as fast as the same is finished, be erected, at such places not less than three miles apart, as the Company may deem advisable, and all the provisions of the 30th, 31st, and 32d Sections of the Act aforesaid, entitled "An Act for the Incorporation of Plank Road Companies," shall apply to the Company hereby incorporated, and to the Road which they may construct, in the same manner as though said Sections were incorporated in this Act.

SEC. 8. *Be it further enacted*, That the provisions and conditions of the 34th Section of the said Act entitled "An Act for the Incorporation of Plank Road Companies," shall apply to and be binding upon the Company hereby incorporated.

[Passed the Senate December 18, 1854. Passed the House of Representatives January 6, 1855. Approved by the Governor January 18, 1855.]

Use timber and materials.

Not to enter upon lands of individuals before right to do so acquired.

Nor until damages are assessed and paid.

How damages assessed.

11th and other Sections of general Act made applicable.

May erect gates.

Tolls.

Gates not less than three miles apart.

30th and other sections of general Act made applicable.

34th Section of general Act made applicable.

1854.

CHAPTER 619.—[No. 10.]

AN ACT to change the time of holding the Circuit Courts in the Eastern and Fifth Judicial Circuits of Florida.

Spring Term
of Court in
Eastern Cir-
cuit.

Fall Term of
Court in East-
ern Circuit.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the terms of the Circuit Court in the Eastern Circuit of Florida shall hereafter be held as follows, viz: In the County of St. Johns on second Monday in March, in the County of Duval on third Monday in March, in the County of Nassau on Thursday after last Monday in March, in the County of Orange on first Monday in April, in the Counties of Volusia and St. Lucie on Thursday after first Monday in April, in the County of Putnam on third Monday in April, in the County of Marion on fourth Monday in April, in the County of Sumpter on first Monday in May, in the County of Alachua on second Monday in May, in the County of Columbia on third Monday in May. Fall Terms—In the County of St. Johns on second Monday in October, in the County of Duval on the third Monday in October, in the County of Nassau on Thursday after last Monday in October, in the County of Orange on the first Monday in November, in the Counties of Volusia and St. Lucie on Thursday after first Monday in November, in the County of Putnam on third Monday in November, in Marion on fourth Monday in November, in Sumpter on first Monday in December, in the County of Alachua on second Monday in December, in the County of Columbia on third Monday in December.

[Passed the House of Representatives January 10, 1855. Passed the Senate January 12, 1855. Approved by the Governor January 17, 1855.]

CHAPTER 620.—[No. 11.]

AN ACT amendatory of an Act entitled an Act amendatory of the several Acts now in force in this State in relation to trading with negroes.

Unlawful to
give or sell li-
quor to negro,
mulatto or per-
son of color.
Penalty for vi-
olation.
Proviso as to
owners.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That it shall not be lawful for any person, by himself, agent, servant or slave, to sell or give any vinous or spirituous liquors to any negro, mulatto or person of color within this State in any quantity. Any person violating the provisions of this Act, shall be subject to indictment, and upon conviction be fined not exceeding one hundred dollars, or imprisonment not exceeding three months, at the discretion of the Court; *Provided*, That this Act shall not be so construed as to

forbid owners from giving their own slaves spirituous or vinous liquors.

[Passed the Senate January 6, 1855. Passed the House of Representatives January 12, 1855. Approved by the Governor January 17, 1855.]

CHAPTER 621.—[No. 12.]

AN ACT to prevent persons from attempting to entice or steal negroes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That from and after the passage of this Act, if any person or persons shall attempt to entice or steal any slave, he, she or they shall be liable to indictment, and on conviction thereof shall be imprisoned not more than twelve months nor less than three months, or receive thirty-nine lashes on their bare backs, at the discretion of the Court.

Penalty for attempting to entice or steal Slaves.

[Passed the House of Representatives January 6, 1855. Passed the Senate January 12, 1855. Approved by the Governor January 17, 1855.]

CHAPTER 622.—[No. 13.]

AN ACT defining the duties of Witnesses in the several Courts of this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That when a subpoena shall have been served on any witness to appear before any Court in conformity with the laws of this State, it shall be the duty of said witness to attend from term to term until the cause in which such witness has been summoned is tried or otherwise disposed of, unless he or she shall be sooner discharged from further service: *Provided,* That witnesses shall continue to have the same rights to demand and receive their proper fees for attendance from day to day, from the party at whose instance they have been summoned, that is at present provided by law.

Witness to attend from term to term until cause disposed of.

May demand their fees.

[Passed the House of Representatives January 5, 1855. Passed the Senate January 9, 1855. Approved by the Governor January 13, 1855.]

CHAPTER 623.—[No. 14.]

AN ACT to regulate and establish the fees of the Secretary of State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That

1854.

Fee for Commission within the State.
How collected.

Fees for certificate, copying, &c.

Proviso.

Fee for Commission out of the State.

Repeal.

from and after the passage of this Act, the Secretary of this State shall be allowed the sum of one dollar for each and every civil or military commission he may issue to persons within this State. The same to be collected by the Sheriff of the respective Counties and paid over to the Secretary.

SEC. 2. *Be it further enacted*, That the Secretary of State shall receive for every official certificate and seal one dollar, recording or copying paper officially, for the first hundred words twenty-five cents, every subsequent hundred words fifteen cents: *Provided*, He shall not charge the State for any official service performed under this Act.

SEC. 3. *Be it further enacted*, That the Secretary of State shall be allowed five dollars for each Commission he may issue to persons out of this State.

SEC. 4. *Be it further enacted*, That all Acts or parts of Acts in conflict with this Act are hereby repealed.

[Passed the House of Representatives, January 10, 1855. Passed the Senate January 11, 1855. Approved by the Governor January 13, 1855.]

CHAPTER 624.—[No. 15.]

AN ACT to organize the County of Volusia.

Volusia County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That all that portion of the present County of Orange, as established by law, lying on the North and East side of the main channel of the River St. Johns, shall, from and after the passage of this Act, constitute a new County to be called the County of Volusia.

Officers.

SEC. 2. *Be it further enacted*, That the Governor of this State shall appoint for said County of Volusia, a Board of County Commissioners, a Sheriff who shall be an *ex officio* Tax Assessor and Collector, a Judge of Probate, and a Clerk of the Circuit Court, who shall respectively hold their offices until the first day of January, 1856, or until their successors are respectively qualified, and shall receive the same compensation as other like officers in this State.

Election.

SEC. 3. *Be it further enacted*, That the qualified voters of said County are hereby authorized to elect County officers, according to the election laws now in force in this State, on the first Monday of October next.

Justices to continue in office.

SEC. 4. *Be it further enacted*, That the Justices of the Peace now commissioned within said County shall continue in office until the expiration of the terms for which they are elected.

Courts of Volusia and St. Lucie.

SEC. 5. *Be it further enacted*, That the Circuit Court of said County of Volusia and St. Lucie shall be holden at Enterprise, until the qualified voters shall choose some other County Site.

SEC. 6. *Be it further enacted*, That all suits, civil or criminal, which

1854.

have been, or may hereafter, before the organization of the County of Volusia, be sued, prosecuted or commenced in any of the Courts of this State against any person or persons living and being within the boundaries of said Counties of Volusia and St. Lucie, shall be tried, prosecuted and completed in the same manner they would have been had this act not been passed.

SEC. 7. *Be it further enacted*, That all proceedings before or in the Court of Probate upon estates of persons within said County of Volusia, shall be proceeded with in the Counties where the same are now pending, as if this act had not been passed.

SEC. 8. *Be it further enacted*, That until otherwise provided by law, the said County of Volusia shall remain part of the same senatorial district to which it is now attached, and the respective inhabitants shall vote in the same senatorial district they would have voted, had not this Act creating said County been passed.

SEC. 9. *Be it further enacted*, That said County of Volusia shall be entitled to one Representative in the General Assembly of the State of Florida, so soon as the population shall equal the existing ratio of representation, and in such case the Judge of Probate shall order an election for such Representative, according to law; and the Sheriff of said County shall take an enumeration of the inhabitants of said County whenever required by the Board of County Commissioners, the expense whereof shall be borne by said County, and the Judge of Probate shall forward a copy of the enumeration to the Secretary of State, of this State, before any election for such Representative shall take place.

SEC. 10. *Be it further enacted*, That the Circuit Court shall be held in Volusia County, on the Friday succeeding the day appointed by law for holding the Spring and Fall terms in the present County of Orange, and shall be held at the County Site.

SEC. 11. *Be it further enacted*, That one half of any monies now in the Treasury of the County of Orange, shall be paid over to the Treasurer of said County of Volusia.

[Passed the House of Representatives December 18, 1854. Passed the Senate December 22, 1854. Approved by the Governor December 29, 1854.]

CHAPTER 625.—[No. 16]

AN ACT to amend an Act entitled an Act to amend the Patrol Laws of this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the Seventh Section of an Act entitled an Act to amend the Patrol Laws of this State, approved December the 29th, 1852, exempting

Suits pending

Proceedings
before Court of
Probate.Senatorial Dis-
trict.Representa-
tive.Enumeration
of inhabitants.Circuit Court
when held.Moneys in
County Treas-
ury of Orange
to be paid over.

Repeal.

1854.

the Counties of Duval, Hamilton, Franklin and Nassau, be and the same is hereby repealed.

[Passed the House of Representatives January 6, 1855. Passed the Senate January 11, 1855. Approved by the Governor January 13, 1855.]

CHAP. 626.—[No. 17.]

AN ACT governing Judges of Probates in certain cases.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That from and after the passage of this Act, it shall not be lawful for any Judge of Probates within this State to act in any matters now made his duty by law, wherein said Judge is in anywise interested, but it shall be the duty of the several Clerks of the Circuit Courts in this State, and they are hereby required to perform the said duties of said Judges in all matters whatsoever in which the said Judges are interested.

Judges not to
Act when in-
terested.

Clerks of Cir-
cuit Courts to
act when.

Duty of Judges
when dis-
qualified.

Acts when
void.

Compensation
of Clerks.

Judge of Pro-
bate to give
bond.

Condition.

How sued on.

SEC. 2. *Be it further enacted,* That it shall be the duty of the several Judges of Probates, in this State, when disqualified for reasons of interest as in this Act mentioned, to notify the Clerk of the Circuit Court of their respective Counties to attend and discharge their said duties, and in no instance shall any Judge of Probate act in any matters in which he is interested, and if any one presumes so to do, his acts are hereby declared null and void.

SEC. 3. *Be it further enacted,* That theseveral Clerks, when discharging the duties of any Judge of Probates under this Act, shall receive the same compensation as is now provided for by law for the Judges of Probates for like services.

SEC. 4. *Be it further enacted,* That hereafter every Judge of Probate shall, before entering upon the duties of his office, give bond with two sufficient securities in a sum to be fixed by the County Commissioners, not less than Five Hundred nor more than Five Thousand Dollars, to the Governor and his successors in office, conditioned for the faithful discharge of his duties, which bond shall be approved by the County Commissioners, and filed with the Clerk of the Circuit Court.

SEC. 5. *Be it further enacted,* That said bond may be prosecuted or sued upon from time to time, in the name of the Governor, for the use of any person or persons interested or aggrieved.

[Passed the Senate December 13, 1854. Passed the House of Representatives December 22, 1854. Approved by the Governor, January 10, 1855.]

CHAPTER 627.—[No. 18.]

AN ACT to prevent fraudulent voting.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That from and after the passage of this Act, if any person or persons shall knowingly and fraudulently vote at any election, who by law shall not be entitled to vote at such election, he or they shall be liable to indictment in the Circuit Court for the County in which such offence was committed, and on conviction thereof, shall be fined or imprisoned or both at the discretion of said Court. The amount of fine shall not be less than fifty dollars nor more than one hundred dollars, and the time of imprisonment not less than fifteen days nor more than thirty days.

Penalty for
fraudulent vo-
ting.

[Passed the Senate December 12, 1854. Passed the House of Representatives January 2d 1855. Approved January 10, 1855.]

CHAPTER 628.—[No. 19.]

AN ACT to organize the County of Manatee.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the County of Manatee is hereby declared to be established, and be marked and bounded as follows: Commencing on the East Bank of Espirita Santo Bay at the line dividing Townships thirty-two and thirty-three, thence East on said line to the line dividing the Counties of Hillsborough and St. Lucie, thence along said line to, or near Lake Okeechoba, thence Westward on the line dividing the Counties of Hillsborough and Monroe to the Coast of the Gulf of Mexico, thence along said Coast, including the Islands and Keys, to the point of beginning.

Manatee Coun-
ty.

SEC. 2. *Be it further enacted,* That Hamlin V. Snell, Josiah Gates and Joseph Roberts are hereby appointed Commissioners to select and locate a seat of Government for said County of Manatee, having regard to the convenience of the inhabitants; which site, when so located, shall be called Palos, and shall be the permanent seat of Government for said County.

Commissioners
to locate Coun-
ty site.

SEC. 3. *Be it further enacted,* That the qualified voters of said County of Manatee are hereby authorized to elect such County officers as are by law directed to be elected in the other Counties of this State, in the same manner, and subject to the same duties, provisions and responsibilities.

Name.

Election of of-
ficers.

SEC. 4. *Be it further enacted,* That an election for County Officers for the said County of Manatee shall be ordered, at the proper

Judge of Pro-
bate to order

1854.

elections and
when.
How conduct-
ed.

Returns and
canvass.

Records, dock-
ets, files, &c.,
to be transfer-
red.

Circuit Court
when held.

Repeal.

time, by the Judge of Probates for Hillsborough County, to be held at such places in the said County of Manatee, as the said Judge of Probates may deem proper, on the first Monday in October, 1855, which election shall be conducted under the laws and regulations governing elections in this State; the returns thereof to be made to, and the canvass and return to be made by, the said Judge of Probates as in other elections; and the officers so elected shall be commissioned by the Governor.

SEC. 5. *Be it further enacted*, That so soon as the officers of said County of Manatee are elected and qualified, they shall receive from such officers of the County of Hillsborough all Records, Dockets, Files, Suits, Letters of Administration, Guardianship, Curatorship, and all other papers whatever, in any way appertaining to the County of Manatee, or the inhabitants thereof, which shall be made of Record, Filed, &c., in the said County of Manatee; and the same shall be conducted and continued as though they had originated in the said County.

SEC. 6. *Be it further enacted*, That a term of the Circuit Court for the Southern Circuit of Florida, shall be held at the seat of Government for said County of Manatee on the ——— Monday of April and ——— Monday of November, in each and every year, commencing on the ——— Monday of November, 1855.

SEC. 7. *Be it further enacted*, That all laws or parts thereof, in any way conflicting with the provisions of this Act be, and they are hereby repealed.

[Passed the House of Representatives December 30, 1854. Passed the Senate January 4, 1855. Approved by the Governor January 9, 1855.]

CHAPTER 629.—[No. 20.]

AN ACT to provide for taking the Census in the year 1855 in this State.

Governor to
appoint Census
taker.

Duties.

Oath.

Copies of
enumeration
where filed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the Governor shall appoint one person in each County of this State to make an enumeration of all the inhabitants of said County, distinguishing the free white inhabitants, slaves and free persons of color therein residing, and the same shall be made by actual enquiry at every dwelling house, of the head of the family, or of some white member thereof over the age of fifteen years.

SEC. 2. *Be it further enacted*, That each person so appointed shall, before entering upon the duties of his office, take and subscribe an oath or affirmation to faithfully discharge the duty imposed upon him by this act, and after said enumeration, he shall make two copies thereof, one of which he shall file with the Judge of Probates for his County, and transmit the other to the Secretary of State, and for the

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faithful performance of such enumeration as is required by this Act, he shall receive as compensation therefor, five cents per head for the first thousand inhabitants, and three cents for all over one thousand and under three thousand, and two cents for all over three thousand; and for all Counties having less than five hundred inhabitants, ten cents for each inhabitant.

Compensation.

SEC. 3. *Be it further enacted*, That the persons appointed under this act shall be paid upon the certificate of the Secretary of State, that the duties have been faithfully performed, and stating the number of inhabitants, for which payment should be made.

How to be paid

SEC. 4. *Be it further enacted*, That in case of the failure or refusal of the persons so appointed by the Governor, to perform the duties required by this act, it shall become the duty of the Tax Assessor and Collector to perform all said duties, and for such performance he shall be entitled to the compensation herein provided.

Tax Assessor and Collector, when to act.

SEC. 5. *Be it further enacted*, That the Governor be, and he is hereby authorized to require the person appointed to take the Census in each and every County, to furnish any other information he may think proper: *Provided*, It does not increase the expenses of the State provided for in the preceding sections of this act.

Governor may require other information.

Proviso.

SEC. 6. *Be it further enacted*, That the Census returns from the different Counties shall be made to the Secretary of State, by the first day of September, 1855.

Returns to whom made.

SEC. 7. *Be it further enacted*, That if any one appointed to take the Census under this act shall be guilty of a neglect of his duty, he shall be guilty of a misdemeanor, and shall be subject to all the pains and penalties now provided for cases of perjury.

Penalty for neglect of duty.

SEC. 8. *Be it further enacted*, That it shall be the duty of the Secretary of State to furnish suitable printed forms to each and every officer to be appointed under the provisions of this act, and the Governor is hereby authorized to pay all expenses incident thereto, out of the Contingent Fund.

Forms by Secretary of State

[Passed the House of Representatives January 5, 1855. Passed the Senate January 9, 1855. Approved by the Governor January 13, 1855.]

CHAPTER 630.—[No. 21.]

AN ACT to provide for the relinquishment to the United States in certain cases title to, and jurisdiction over lands for sites of Light-Houses, and for other purposes, on the coast and waters of this State.

WHEREAS, The Congress of the United States has made appropriations for the construction of certain Light-Houses not yet built, on the Coast and Waters of this State, and the wants of Commerce may hereafter call for the construction of others: And whereas, the Laws of the United States require that the said United States

Preamble.

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Governor to
transfer title
and jurisdic-
tion over State
land, when.

Duty of Gov.
when land not
owned by State

Condition of
grant.

Lands exempt
from taxation.

When Act to
take effect.

shall hold exclusive title to, and jurisdiction over all lands to be occupied as sites of public works before any such work can be begun : Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That whenever a tract of land containing not more than four acres shall be selected by an authorized officer, or agent of the United States, for the *bona fide* purpose of erecting thereon a Light-House, Beacon, Marine Hospital or other public work, and the title to the said land shall be held by the State, then on application by the said officer or agent to the Governor of this State, the said Executive is hereby authorized to transfer to the United States the title to, and jurisdiction over said land ; but if the title to the land wanted shall not be held by the State, then on application of the United States, through their officer or agent, after acquiring title thereto, the said Executive is hereby authorized to transfer to the United States exclusive jurisdiction over the same : *Provided always,* That the said transfer of title and jurisdiction is to be granted and made as aforesaid upon the express condition that this State shall retain a concurrent jurisdiction with the United States, in and over the land or lands so to be transferred and every portion thereof, so far that all process, civil or criminal, issuing under authority of this State or any of the Courts, or Judicial officers thereof, may be executed by the proper officer thereof, upon any person or persons amenable to the same, within the limits and extent of the land or lands so ceded, in like manner and to like effect as if this act had never been passed, saving, however, to the United States, security to their property within said limits or extent.

SEC. 2. *Be it further enacted,* That the said lands shall hereafter remain the property of the United States, and be exempt from taxation as long as they shall be needed for said purposes.

SEC. 3. *Be it further enacted,* That this Act shall take effect from and after its passage.

[Passed the House of Representatives, December 22, 1854. Passed the Senate, December 29, 1854. Approved by the Governor, January 6, 1855.]

CHAPTER 631.—[No 22.]

AN ACT to authorize the Trustees of the Internal Improvement Fund to surrender the right, title and claim of the State to certain Lands.

Trustees to
surrender U.
S. title to land
when.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That whenever it may appear that any of the Swamp Lands, granted by the United States to this State by Act of Congress, approved 28th September, 1850, entitled An Act to enable the State of Arkansas and other States to reclaim the Swamp Lands within their limits,"

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have been sold or located since the passage of said act, that the Trustees of the Internal Improvement Fund are hereby authorized and empowered to surrender to the United States the right, title, and claim of the State to said Lands, and to receive from the United States, in lieu thereof, such reclamation as may be due.

[Passed the House of Representatives January 11, 1855. Passed the Senate January 13, 1855. Approved by the Governor January 13, 1855.]

To receive re-
clamations.

CHAPTER 632.—[No. 23.]

AN ACT to amend An Act approved November 21, 1828, providing for the appointment of Inspectors of Lumber in the various Counties of this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That so much of An Act approved November 21, 1828, providing for the appointment of Inspectors of Lumber in this State, as limits the number of Inspectors which may be appointed in any county of the State to two, be and the same is hereby repealed; and the Governor shall have power to appoint in and for any County of this State as many Inspectors of Lumber as he may deem necessary for the public good.

Repeal.

Governor may
appoint as many
as necessary.

[Passed the House of Representatives January 2, 1855. Passed the Senate January 5, 1855. Approved by the Governor January 9, 1855.]

CHAPTER 633.—[No. 24.]

AN ACT to restore the force and operation of the general Laws of this State, in relation to the migration of Free Persons of Color into this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That An Act entitled An Act explanatory of the several Acts in relation to the migration of Free Persons of Color into this State, approved January 13, A. D., 1849, be and the same is hereby repealed, and that all general Acts in force in relation to the migration of free persons of color into this State be, and the same are hereby revived and extended and continued in force in and for the City and Port of Apalachicola, to the same extent and in the same manner, as if the said above recited Act, which is hereby repealed, had never been passed.

Repeal.

General Acts
revived.

Extended to
Apalachicola.

[Passed the House of Representatives, December 6, 1854. Passed the Senate, December 12, 1854. Approved December 15th, 1854.]

1854.

CHAPTER 634.—[No. 25.]

AN ACT to amend An Act concerning Roads and Highways in this State.

Act of 1847
as to Duval ex-
tended to St.
Johns County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened, That* the Act approved January 5, 1847, in relation to Roads and Highways in the County of Duval, be extended and applied to the County of St. Johns; and all laws and parts of laws conflicting with the provisions of said act, be and are hereby repealed, so far as the County of St. Johns is concerned.

[Passed the House of Representatives December 23, 1854. Passed the Senate December 29, 1854. Approved by the Governor January 2, 1855.]

CHAPTER 635.—[No. 26.]

AN ACT to prevent the abduction and escape of Slaves from this State.

Vessels leavi'g
St. Johns Riv-
er to come to
anchor, &c.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened, That* from and after the passage of this Act it shall be required of the Captain, Commander, or person in charge of each and every vessel, leaving St. Johns River, bound for any port in a non-slaveholding State, or any foreign port, to come to anchor opposite May Port Mills, and there remain a sufficient length of time to be boarded, searched and fumigated.

Officer to
board vessels
how appointed.

Duty.

SEC. 2. *Be it further enacted, That* it shall be the duty of the Governor, by and with the advice and consent of the General Assembly, to appoint a competent officer, whose duty it shall be to board, diligently search, and thoroughly fumigate, with tar and sulphur, each and every such outward bound vessel.

Slave found on
board to be
conveyed to
Jacksonville.

SEC. 3. *Be it further enacted, That* if any slave or slaves shall be found on board of any such outward bound vessel, without written permission from the owner or manager of such slave or slaves, the searching officer shall have such slave or slaves conveyed to Jacksonville Jail at the cost and expense of the Captain, Commander, or person in charge of such vessel.

Officer to keep
book.

Names of ves-
sels to be en-
tered.

Compensation.

By whom paid.

SEC. 4. *Be it further enacted, That* the searching officer shall keep a book of entry, in which he shall enter the name of each and every vessel, with that of her Captain and port of destination, which book he shall exhibit to any and all persons requiring the same, and he shall receive, as a compensation for his services, the sum of two dollars and fifty cents for each and every vessel so searched and fumigated, to be paid by the Captain, Commander, or person in charge of the vessel.

SEC. 5. *Be it further enacted, That* if the Captain, Commander,

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or person in charge of any vessel, refuse to comply with the requirements of this Act, or in any way molest, hinder or delay such officer in the discharge of his duty, the person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not more than two thousand nor less than five hundred dollars.

SEC. 6. *Be it further enacted*, That it shall not be lawful for any Pilot or other person to remove or take over the St. Johns Bar any vessel or vessels outward bound as hereinbefore provided, without having first received from the master of said vessel a certificate, duly signed by the searching officer, that the duties required to be performed by him have been duly performed. And if any Pilot or other person shall remove any such vessels as aforesaid, without the certificate aforesaid, he shall be liable to indictment, and on conviction shall be fined in a sum not less than fifty and not exceeding one hundred dollars.

SEC. 7. *Be it further enacted*, That the officer whose appointment is hereinbefore provided for, shall have power by writing, under his hand and seal, to appoint a deputy who shall have full power to discharge all the duties of the office in the absence, sickness, or inability to serve, of his principal.

[Passed the House of Representatives, December 23, 1854. Passed the Senate, December 29, 1854. Approved by the Governor, January 18, 1855.]

Penalty for refusing to comply with this Act or hinder officer in his duty.

Pilot not to take over bar without searching officer's certificate.

Penalty for violation.

Officer may appoint deputy.

CHAPTER 636.—[No. 27.]

AN ACT amendatory of the Act to provide for the payment of Coroner's Juries, approved 24th January, 1851.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the aforesaid Act be amended as follows, to-wit: By inserting immediately after the words "Jurors" in the sixth line from the beginning of the first section thereof, the words "attending the Circuit Courts of this State."

Amendment of first section of Act of 1851.

[Passed the House of Representatives January 5, 1855. Passed the Senate January 6, 1855. Approved by the Governor January 17, 1855.]

CHAPTER 637.—[No. 28.]

AN ACT to provide for the re-establishment of the Records of St. Lucie County.

WHEREAS, in the Spring of the year 1851, the public records of the County of St. Lucie were destroyed by fire; *Therefore*,

SECTION 1. *Be it enacted by the Senate and House of Repre-*

1854.

Manner of es-
tablishing lost
records, &c.

Power of Cir-
cuit Court.

Proviso.

sentatives of the State of Florida in General Assembly convened, That it shall be lawful for any person or persons, whose titles, deeds, bonds, mortgages, conveyances, receipts, or other papers required by law to be recorded, and which have been of record in the County of St. Lucie and lost or destroyed by fire as aforesaid, who shall produce a paper writing, purporting to be a copy or as near a copy of the original paper so lost or destroyed as aforesaid, with full or circumstantial proof of the substance thereof, and of his, her, or their title thereto, and shall file the same in the Office of the Clerk of the Circuit Court or recording officer of said County, and shall serve on the opposite party a copy thereof, or notify by an advertisement in a newspaper published in the Eastern Circuit, for the space of three months that such person or persons intends to establish such titles, deed, bond, mortgage, conveyance, receipt or other papers required by law to be recorded, then it shall and may be lawful, in case no sufficient objection shall be made, for the Circuit Court for said County, at its first session after giving said notice, to establish the title and right of such person or persons, and admit again to record such papers as aforesaid: *Provided,* That nothing in this Act shall be so construed as to prohibit the re-recording of any paper required by law to be recorded upon presentation of the original with the Clerk's certificate of record thereon.

[Passed the House of Representatives, January 2, 1855. Passed the Senate, January 6, 1855. Approved by the Governor, January 11, 1855.]

CHAPTER 638.—[No. 29.]

AN ACT relative to Depositions taken under Commission.

Commissioners
to administer
oaths.

Oath to be ta-
ken by Com-
missioners.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That any Commissioner appointed under the laws of this State to take Depositions of any witness residing out of the State, or out of any County in which his testimony may be required in any cause, shall be and is hereby, from and after the passage of this act, authorized to administer oath to any such witness whose Deposition he may be required to take: *Provided,* He shall have first been duly sworn before and by any Justice of the Peace, or any other person authorized to administer oaths in this State, any Commissioner of Deeds appointed under the laws of this State to take Depositions in other States, any Judge or Justice of the Peace, or Notary Public, in any other State or County, to examine him, them or either of them, concerning the said matter of controversy, agreeably to the Interrogatories annexed to said Commission, which said last mentioned oath shall be endorsed at full length on the back of said Commission and signed by said Commissioners and others, who may be joined as co-

Commissioners, and duly attested by the person administering said oath.

[Passed the House of Representatives January 2, 1855. Passed the Senate January 6, 1855. Approved by the Governor January 11, 1855.]

CHAPTER 639.—[No. 30.]

AN ACT to provide for the payment of Physicians who are summoned to attend Coroner's Juries.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That from and after the passage of this Act, whenever a Jury of Inquest shall deem it necessary to have a Physician in attendance to assist them in their examination, it shall be the duty of the Coroner to summon such Physician, and upon his attendance at said Coroner's Inquest, he shall receive for his services the sum of *twenty dollars*, together with the usual mileage from his residence to the place where such Inquest was held. And it is hereby made the duty of said Coroner and the Foreman of said Inquest, to give their certificate stating the same, and upon its presentation to the Comptroller of the State, he shall audit the same, to be paid out of the State Treasury.

Fee and mileage to Physicians.

How paid.

SEC. 2. *Be it further enacted,* That all laws or parts of laws, militating against this Act, be and the same are hereby repealed.

[Passed the House of Representatives, January 5, 1855. Passed the Senate, January 9, 1855. Approved January 11th, 1855.]

CHAPTER 640.—[No. 31.]

AN ACT for the preservation of Bridges.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That from and after the passage of this Act, the Board of Commissioners of the several Counties of this State, shall have authority to make such regulations, and pass such resolutions for the protection and preservation of the Bridges in their respective Counties, as they may deem necessary to secure that object, and impose such fines (not less than five nor more than twenty dollars with costs of suit,) for violations of such regulations, as in their judgment shall seem requisite and just, which fine may be collected in the same manner as is provided by existing Statutes for the collection of fines imposed for "obstructions of Roads," and appropriated by the said County Com-

Protection of bridges.

Fines for violations.

How collected.

1854.

missioners as is directed by said Statutes for the appropriation of the latter class of fines.

[Passed the House of Representatives January 5, 1855. Passed the Senate January 10, 1855. Approved January 11, 1855.]

CHAPTER 641.—[No. 32.]

AN ACT in relation to Pilotage at the Port of Bay Port.

Commissioners
how appointed

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Governor shall appoint five discreet persons to act as Commissioners of Pilotage and Port Wardens at the Port of Bay Port.

Their powers.

SEC. 2. *Be it further enacted,* That said Commissioners shall be empowered to grant branches or licenses to fit and competent persons to act as Pilots, and require from each Pilot bond and security in the sum of five hundred dollars, made payable to the Governor of this State and his successors in office, conditioned in the faithful discharge of his duties as such Pilot, which bond may be prosecuted or sued upon from time to time, in the name of the Governor, for the use of any person or persons interested or aggrieved.

Pilots to give
bonds.

Condition.

Rate of Pilot-
age.

SEC. 3. *Be it further enacted,* That the rate of Pilotage at said Port shall be, two dollars per foot on all vessels taking a Pilot, and one dollar per foot on all vessels refusing the services of the Pilot, when offered outside the Barrel or Turning Stake.

Commissioners
also Port War-
dens.

SEC. 4. *Be it further enacted,* That the Commissioners of Pilotage shall also act as Port Wardens, and have and exercise the rights, powers and privileges usually attached thereto.

[Passed the House of Representatives, December 21, 1854. Passed the Senate December 27, 1854. Approved by the Governor, December 29, 1854.]

CHAPTER 642.—[No. 33.]

AN ACT to legalize the proceedings of the Judge of Probate of St. Lucie County

Orders, records
&c. of Judge
of Probate de-
clared valid.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That all the Proceedings, Acts, Orders and Decrees of J. S. Heermans, Judge of Probate of the County of St. Lucie in this State, from the twenty-sixth day of January A. D. 1846, up to the time of the passage of this Act, be, and the same are hereby declared to be of the same legal force and effect, as if the said Judge of Probate had been properly commissioned by the Governor.

[Passed the House of Representatives December 22, 1854. Passed the Senate December 29, 1854. Approved by the Governor January 2, 1855.]

CHAPTER 643.—[No. 34.]

AN ACT to prevent Planting without a Fence in Walton County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That from and after the passage of this Act, it shall not be lawful for any person or persons in the County of Walton in this State, to plant or sow any corn, oats, wheat, rye, cotton, potatoes, water melons, pumpkins or any other seed or grain whatsoever, without having first constructed and built a reasonable good fence of rails, plank, or other good material, sufficient to turn and keep out all ordinary stock. And any person or persons so offending the provisions of this Act, shall be subject to indictment by the Grand Jury of said County, and on conviction therefor, shall be fined not exceeding two hundred dollars, or imprisoned not exceeding six months at the discretion of the Jury.

Unlawful for any person to plant without a fence.

Penalty for offending.

[Passed the House of Representatives January 1, 1855. Passed the Senate January 2, 1855.]

CHAPTER 644.—[No. 35.]

AN ACT to amend An Act to provide for the payment of Jurors and State Witnessess, approved January 8th, 1848.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That from and after the passage of this Act, each and every Grand and Petit Juror, who shall serve in any of the Circuit Courts of this State, shall be allowed, out of the Treasury of this State, the sum of one dollar and twenty-five cents per day, for the time he shall serve as such Juror, and shall receive five cents mileage travelling to and from said Court.

Pay of Jurors.

SEC. 2. *Be it further enacted,* That each and every Witness summoned to testify in behalf of the State before any Grand Jury, or Justice of the Peace in this State, shall receive the same compensation per diem that is now allowed by law to Witnessess summoned to testify in the Circuit Courts of this State in behalf of the State, to be allowed and approved in the same manner as is provided for Jurors, and to be paid out of the Treasury of the State.

Pay of State Witnesses before Grand Jury or Justice of Peace.

How allowed.

SEC. 3. *Be it further enacted,* That all laws or parts of laws, which conflict with the provisions of this Act, be, and the same are hereby repealed.

Repeal.

[Passed the House of Representatives December 16, 1854. Passed the Senate December 20, 1854. Approved by the Governor December 22, 1854.]

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CHAPTER 645.—[No. 36.]

AN ACT to repeal An Act entitled "An Act in relation to a Road Tax in the Counties of Santa Rosa and Escambia," as far as it relates to the County of Santa Rosa.

Repeal of
Road Tax in
Santa Rosa Co.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened, That* An Act entitled An Act in relation to a Road Tax in the Counties of Santa Rosa and Escambia, approved January 1st, 1853, be, and the same is hereby repealed, so far as it relates to the County of Santa Rosa.

[Passed the Senate December 11, 1854. Passed the House of Representatives December 13, 1854. Approved by the Governor December 19, 1854.]

CHAPTER 646.—[No. 37.]

AN ACT explanatory of the several Acts in relation to the migration of Negroes and Free Persons of Color into Key West.

Negro crews
may remain on
board vessels
or on wharf.

Penalty for be-
ing found off
Wharf.

Master of ves-
sel liable for
fines against
negro.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened, That* from and after the passage of this Act, all vessels arriving in the Port of Key West, in distress, or a disabled condition, with Free Negro Crews, the same may remain on board of such vessel or on the Wharf to which said vessel is lying, without being arrested and confined in the Jail: *Provided, That* if any such Free Negro or Mulatto shall be found off the Wharf to which said vessel may be laying, the said Free Negro or Mulatto shall be subject to all the pains and penalties as is now prescribed by law.

SEC. 2. *Be it further enacted, That* the Master of every such vessel shall be held liable for all fines, costs, &c., which may be assessed against any such Free Negro or Mulatto, on board such vessel.

[Passed the Senate December 21, 1854. Passed the House of Representatives January 1, 1855. Approved by the Governor January 10, 1855.]

CHAPTER 647.—[No. 38.]

AN ACT to prevent any deduction on Cotton Bales.

No deduction
for weight of
bale lawful.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened, That* from and after the passage of this Act it shall be unlawful for any purchaser or purchasers of Cotton, in this State, to require the vender of

the same to make any deduction on the actual weight of Cotton Bales.

SEC. 2. *Be it further enacted*, That for every such offence or exaction, the vender or person aggrieved, shall be entitled to recover by action at law, not less than fifty cents per Bale, in any Court having jurisdiction over the same.

Forfeiture to party aggrieved.

[Passed the Senate January 9, 1855. Passed the House of Representatives January 12, 1855. Approved by the Governor January 15, 1855.]

CHAPTER 648.—[No. 39.]

AN ACT to amend the Act to incorporate the City of St. Augustine, approved 4th February, 1833.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That there be, and hereby is established, for the City of St. Augustine, a Court to be called the "Mayor's Court," in which the Mayor shall preside, and within the limits of said City he shall have cognizance and jurisdiction in all cases of violation or infractions of the Ordinances and Resolutions passed by the City Council; and upon complaint made by any person of any such violation or infraction, or when the same shall be committed in his presence or view, the said Mayor may cause the offender to be brought before him by warrant of arrest, or by summons only, to be issued by the Mayor, or by the Clerk of the City Council by order of the Mayor, and to be directed to and served by the City Marshal or other person to be appointed for that purpose, and requiring the City Marshal or other person aforesaid to arrest and bring before the Mayor or to summon to appear before him, at the time and place specified in said warrant, the person or persons named in said warrant or summons, to answer for the offence therein charged; and upon trial and conviction, the said Mayor may render sentence or judgment against the offender for the punishment, fine or penalty imposed by said Ordinance, or Resolution, and may enforce said sentence or judgment by process of fi-fa, against the property, or of imprisonment against the person or body of the offender, and in case of imprisonment, the said offender shall stand committed until the said sentence or judgment shall be complied with. In all such cases, the City Council shall have power, upon petition, to remit said sentence or judgment, in all or in part, absolutely or conditionally. The Clerk of the City Council shall be Clerk of said Court and keep the minutes of proceedings, and records thereof; and the City Marshal shall be the executive officer of said Court and shall attend and keep order in said Court, and shall execute its process and orders; and said Clerk and City Marshal, or other person authorized and acting as such, shall, for their services,

Mayor's Court established.

Jurisdiction.

Mayor may issue warrant.

How served.

Judgment of Mayor.

How enforced.

City Council may remit judgment.

Clerk.

Executive officer.

Compensation

1854.

Power to fine
for contempt.Fines not to
exceed fifty
dollars.Penalty for
non-payment
of fines.

receive the same compensation as is now, or may hereafter by Law be allowed to the Clerk of the Circuit Court, and to the Sheriff for like services, and in cases where no compensation is or may be provided for the service performed, each shall receive a reasonable compensation to be approved by the City Council.

SEC. 2. *Be it further enacted*, That said Court shall have power to fine and imprison for contempt committed before it, or of its process or order, or interruption of its proceedings; the fine not to exceed five dollars, nor the imprisonment twenty-four hours.

SEC. 3. *Be it further enacted*, That no fine imposed by any ordinance or resolution passed by the City Council shall exceed fifty dollars, nor the imprisonment one month, except where the proceedings shall be against any defaulter aforesaid for not accounting for and paying over public moneys, or restoring and delivering up public property, and where there is a failure to pay the fine and costs awarded by any judgment or sentence in other cases, of said Mayor or Court aforesaid, in all such cases the party shall stand committed until the said sentence or judgment shall be complied with and satisfied, or until he shall be relieved by the City Council.

[Passed the House of Representatives, December 18, 1854. Passed the Senate, December 20, 1854. Approved January 6th, 1855.]

CHAPTER 649.—[No. 40.]

AN ACT in relation to electing County Commissioners in Gadsden County.

County Com-
missioners to
sub-divide Co.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That from and after the passage of this Act, it shall be the duty of the County Commissioners of Gadsden County, at the first meeting of their Board, or soon thereafter, to sub-divide said County into four divisions or Districts.

One Commis-
sioner from
each division.

SEC. 2. *Be it further enacted*, That there shall be elected, as is now provided by law, one suitable person from each division or district as aforesaid, who shall discharge the duties of County Commissioners as is already prescribed by law.

Repeal.

SEC. 3. *Be it further enacted*, That all laws conflicting with this act, are hereby repealed.

[Passed the Senate December 27, 1854. Passed the House of Representatives January 1, 1855. Approved by the Governor January 10, 1855.]

CHAPTER 650.—[No. 41.]

AN ACT to empower the County Commissioners of Wakulla County to levy a Tax for the purpose of building a Court House in said County.

SECTION 1. *Be it enacted by the Senate and House of Represen-*

tatives of the State of Florida in General Assembly convened, That the County Commissioners of Wakulla County, be and they are hereby empowered to levy a Tax for the purpose of building a Court House in said County: Provided, however, That said Tax shall not exceed one hundred per cent. upon the State Tax.

SEC. 2. *Be it further enacted, That this act shall not continue in force longer than two years from the passage thereof.*

[Passed the Senate December 27, 1854. Passed the House of Representatives January 1, 1855. Approved by the Governor January 10, 1855.]

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Tax for building C. House.

Limit.

Act not in force more than two years.

CHAPTER 651.—[No. 42.]

AN ACT to change the name and establish the County Site of St. Lucie County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened, That from and after the passage of this act, the name of St. Lucie County shall be changed to that of Brevard County, and the said County shall hereafter be Brevard, and designated as Brevard County.*

Name changed to Brevard.

SEC. 2. *Be it further enacted, That the County Site of said Brevard County shall be permanently established and located at a place known and designated as Fort Pierce, and the name of said County Site shall be Susannah.*

County site established.

[Passed the House of Representatives December 27, 1854. Passed the Senate January 1, 1855. Approved January 6, 1855.]

CHAPTER 652.—[No. 43.]

AN ACT to hold the Courts of Orange County at Mellonville.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened, That from and after the passage of this act, the Circuit Court and other Courts necessary to be held at the County Site, be and the same shall be held at Mellonville in said County, until otherwise altered by law.*

Courts to be held at Mellonville.

[Passed the House of Representatives December 23, 1854. Passed the Senate December 28, 1854. Approved by the Governor January 2, 1855.]

CHAPTER 653.—[No. 44.]

AN ACT to change the time of holding Circuit Court of Calhoun County.

SECTION 1. *Be it enacted by the Senate and House of Represen-*

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Circuit Courts
when to be
held.

tatives of the State of Florida in General Assembly convened, That from and after the passage of this act, the Spring Term of the Circuit Court of Calhoun County, shall begin on the fourth Monday in April, and the Fall Term of said Court shall begin on the fourth Monday in November.

Repeal.

SEC. 2. *Be it further enacted, That all laws or parts of laws, so far as they conflict with the provisions of this act, be and the same are hereby repealed.*

[Passed the Senate December 20, 1854. Passed the House of Representatives December 27, 1854. Approved January 10, 1855.]

CHAPTER 654.—[No. 45.]

AN ACT to prevent White Persons from gaming with Negroes or other persons of Color.

Gaming with
persons of col-
or prohibited.

Penalty.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened, That from and after the passage of this Act, it shall not be lawful for any white person or persons within the State of Florida to play any game with cards or dice, with any Negro, Mulatto, Quadroon, or any other person or persons of color. He, she or they so offending shall be subject to be indicted, and upon conviction shall be fined in any sum not less than twenty dollars, nor more than five hundred, or be imprisoned not less than thirty days nor more than three months, at the discretion of the Court.*

[Passed the Senate, December 21, 1854. Passed the House of Representatives December 28, 1854. Approved January 6th, 1855.]

CHAPTER 655.—[No. 46.]

AN ACT to amend An Act entitled An Act to permanently fix the Election Precincts in the County of Columbia and to repeal certain Acts herein named, approved January 8, 1853.

Repeal.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the act hereinbefore specified be and the same is hereby repealed.*

Precincts how
appointed.

SEC. 2. *Be it further enacted, That after the passage of this act, Election Precincts shall be located and appointed in Columbia County by the same officers that they are by Law now located and managed as in other Counties in this State.*

[Passed the Senate December 21, 1854. Passed the House of Representatives December 28, 1854. Approved January 6, 1855.]

CHAPTER 656.—[No. 47.]

AN ACT to extend the limitation of Merchants' Accounts in this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That from and after the passage of this act, the Book Accounts of Merchants shall not be barred recovery by law under the term of five years from the date of the same, as is now allowed by law for all other class of Debts in this State. Limitation of accounts.

SEC. 2. *Be it further enacted*, That all Acts conflicting with the true intent and meaning of this Act, shall be and are hereby repealed. Repeal.

[Passed the Senate January 4, 1855. Passed the House of Representatives January 9, 1855. Approved by the Governor January 11, 1855.]

CHAPTER 657.—[No. 48].

AN ACT to provide for the expenses of Florida in the settlement of Boundary with the State of Georgia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the Governor of this State be authorized to order the Comptroller of this State to audit the accounts of the persons heretofore appointed by him as Commissioner and Surveyor of the boundary line between this State and the State of Georgia, for such amounts respectively to each as the Governor may, upon investigation, deem just and proper; and the Treasurer of this State is hereby authorized and required to pay the amount so audited, out of any money in the Treasury not otherwise appropriated. Accounts of Commissioner and Surveyor how audited and paid.

SEC. 2. *Be it further enacted*, That the sum of thirty dollars thirty-one cents is hereby appropriated to be paid over to the said Commissioner, as a balance of the expenses incurred by him for hand hire, &c., in the Boundary Survey made in 1854. Appropriation for expenses of Commissioner.

SEC. 3. *Be it further enacted*, That the sum of five thousand dollars, if so much be necessary, is hereby appropriated to meet the expenses that have been or may be incurred in the Boundary suit now pending in the Supreme Court of the United States, between the States of Florida and Georgia, for fees for Solicitors, for procuring testimony, documents, and for further surveys and examinations, when required by the Court; and the Comptroller of Public Accounts shall draw his warrants for portions thereof, as the Governor may from time to time direct. Appropriation for expenses in Boundary suit.

[Passed the House of Representatives, January 8, 1855. Passed the Senate, January 13, 1855. Approved January 15, 1855.]

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CHAPTER 658.—[No. 49.]

AN ACT to repeal Section 4 of An Act amendatory of An Act entitled An Act to establish and organise a Mayor's Court for the City of Apalachicola, approved January 5, 1853.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the fourth Section of An Act amendatory of An Act entitled An Act to establish and organize a Mayor's Court for the City of Apalachicola, approved January 5, 1853, be and the same is hereby repealed, and in lieu thereof the Mayor or Judge of said Court shall hold the same as often, as in his opinion, the interest of said City shall require; and the summons to be issued as by Section 7, of An Act to establish and organize a Mayor's Court for the City of Apalachicola, approved 15th March, 1844, is required, shall require the party defendant to appear at such time and place as said Judge shall require, and that upon the service and return of said summons the said cause, shall be tried, and if said Defendant shall fail to appear, judgment shall be entered up against him by default; but for sufficient cause shown upon oath by the party, the said cause may be continued not exceeding ten days.

Repeal.

Courts when held.

Summons to appear.

Judgment by default.

[Passed the Senate, December 14, 1854. Passed the House of Representatives, December 19, 1854. Approved December 28, 1854.]

CHAPTER 659.—[No. 50]

AN ACT in relation to a Road Tax in the Counties of Putnam and Marion.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the provisions of an Act passed at the last session of the General Assembly, and approved January 1st, 1853, entitled an Act in relation to a Road Tax in the Counties of Santa Rosa and Escambia, be extended to the Counties of Putnam and Marion.

Act of 1853 in relation to Santa Rosa, &c.

[Passed the Senate December 15th, 1854. Passed the House of Representatives December 20th, 1854. Approved by the Governor December 28th, 1854.]

CHAPTER 660.—[No. 51.]

AN ACT to allow the Supreme and Circuit Courts of this State to hold extra terms whenever the regular terms cannot be safely held in consequence of the prevalence of any contagious disease at the time and place or places appointed by law for holding the regular terms.

SECTION 1. *Be it enacted by the Senate and House of Represen-*

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tatives of the State of Florida in General Assembly convened, That hereafter it shall and may be lawful for the Judges of the Supreme Court, and the respective Judges of the Circuit Courts of this State, to hold extra or adjourned terms of said Courts, whenever said Courts shall not have been holden at the time or times prescribed by law, in consequence of the prevalence of contagious diseases, and it shall be the duty of the Judges in such cases to appoint a convenient day or days for the holding such extra or adjourned terms, whenever there shall have been a failure, for the cause aforesaid, of the regular term.

[Passed the Senate December 12, 1854. Passed the House of Representatives December 18, 1854. Approved December 28, 1854.]

Extra or adjourned terms when may be held.

CHAPTER 661.—[No. 52.]

AN ACT making additional appropriations to defray the expenses of Criminal Prosecutions, and for the payment of Jurors and State Witnesses, for the fiscal years 1853 and 1854.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the sum of five thousand dollars be, and the same is hereby appropriated to defray expenses of Criminal Prosecutions; and the sum of five thousand dollars be, and the same is hereby appropriated for the payment of Jurors and State Witnesses, to supply deficiencies in the appropriations for the fiscal years of 1853 and 1854.*

Appropriation.

[Passed the House of Representatives December 19, 1854. Passed the Senate December 23, 1854. Approved December 29, 1854.]

CHAPTER 662.—[No. 53.]

AN ACT in relation to Evidence.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened, That hereafter, in all suits and actions at law or in equity in this State, the shop book and books of accounts of either party, in which the charges and entries shall have been originally made, shall be admissible in evidence in favor of such party: Provided, however, That the credibility of such evidence shall be judged of by the Jury, in case of a trial at law, and by the Court in case of a hearing in equity.*

Original looks of accounts &c. evidence.

[Passed the Senate December 12, 1854. Passed the House of Representatives December 18, 1854. Approved December 29, 1854.]

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CHAPTER 663.—[No. 54.]

AN ACT to amend the General Act for the Incorporation of Towns, Academies and Religious Societies, approved January 6, 1847.

- SECTION 1.** *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That in addition to the powers now by law conferred upon the President of any incorporated town under the act of Incorporation, approved January 6, 1847, he shall have power to try and determine any and all offences for breaches of any of the ordinances established by their respective Boards, and to impose such fines and penalties for their violation as may be authorized and affixed by said ordinances: *Provided, however,* That in each and every such case, an appeal shall lie from his said decision to the Board of Trustees of said Town, or to the Circuit Court of the County, under the same rules and regulations as are now by law provided for appeals from Justices' Courts.
- Power of President to try offences.**
- Fines.**
- Appeal to whom and how taken.**
- SEC. 2.** *Be it further enacted,* That the President of any Incorporation, Town or Mayor, as the case may be, shall have the powers and authority now by law vested in Justices of the Peace, but the same to be confined strictly to criminal offences arising out of infraction of the ordinances or bye-laws of said town.
- Powers of President or Mayor.**
- Limitation.**
- Amendment.**
- SEC. 3.** *Be it further enacted,* That article sixth of section one, of an act for the Incorporation of Towns, Academies, Religious Societies, &c., approved January 6, 1847, be so amended as to read as follows, viz: It shall be the duty of said President and Trustees to cause all the streets and alleys of said Town, and all the public roads passing from and through such town, for one mile from the centre thereof, to be kept in good repair, and to this end, they are authorized to levy a street tax on all real, personal and mixed property within their respective limits as may be necessary to keep the said streets, alleys and roads in repair, but in no case to require the free male residents to work upon the same, and also to appoint and prescribe the duty of all such officers for such town as they may deem necessary to carry into effect the foregoing powers, the qualification and duties of whom shall be as prescribed in the section to which this is an amendment: *Provided, however,* That nothing in this act contained shall be construed so as to deny or abridge any power or authority now by law conferred upon any city or town, by special act of Incorporation.
- Duty of President and Trustees.**
- May levy Street Tax.**
- May appoint and prescribe duty of officers.**
- Proviso.**
- SEC. 4.** *Be it further enacted,* That article first of section third, of the general act for the Incorporation of Towns, Academies, Religious Societies, &c., approved January 6, 1847, it being the section relating to Religious Societies, be amended so as to permit in addition thereto, any society, congregation or denomination formed in this State, for purposes of religious worship, to organize under and by virtue of said act or otherwise, as their church polity may prescribe,
- Religious Societies.**
- How organized.**

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and to have all the rights, privileges and immunities extended by said act, and the title to the lands purchased or received, and the improvements made shall be vested in the said Trustees, by the name and style they may assume under said act, or in any person for said society, congregation or denomination, as by the polity or tenets of the same, they may desire, subject always to the uses for which said property was acquired.

SEC. 5. *Be it further enacted*, That whenever in any case under this act, any property is vested in any one person in trust for any society, congregation or denomination, no other evidence of the trust shall be required than the registry of the deed, properly authenticated as by law required, and the said person, Trustee, as aforesaid, shall have the same powers as are granted to the Trustees of any society or congregation by the act to which this is an amendment, and may appoint representatives or successors in his place and stead, subject, however, to the approval of the congregation; but nothing herein contained shall be construed to deny to any society or congregation [the right] to organize (as) under the act to which this is an amendment, but the same is merely extended so as to permit and render lawful a different organization.

SEC. 6. *Be it further enacted*, That all free white male inhabitants between the age of twenty-one and forty-five years, who shall have resided within the incorporate limits for the space of six months, shall be subject to and pay a street or road tax of one dollar and fifty cents per annum.

SEC. 7. *Be it further enacted*, That any Lodge of Masons or Odd-Fellows, or other similar order of society, which may comply with the provisions of the General Laws of this State for the incorporation of Religious or other Societies, may become incorporated in the same manner as now provided for religious societies.

[Passed the Senate January 5, 1855. Passed the House of Representatives January 12, 1855. Approved by the Governor January 18, 1855.]

Privileges.

Title of Lands
in whom vested.

Trust evidence

Power of Trustee.

May appoint
successor.

Street tax by
whom paid.

Amount.

Masons and
Odd Fellows
how incorporated.

CHAPTER 664.—[No. 55.]

AN ACT to amend An Act entitled An Act to Incorporate the Jacksonville and Alligator Plank Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the said Jacksonville and Alligator Plank Road be, and they are hereby authorized to extend the capital stock of said Company to any sum not exceeding One Hundred and Twenty-five Thousand Dollars, at such time and in such manner as the President and Directors thereof shall deem most beneficial to the interest of said Company.

Authorized to
extend Capital
Stock.

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Forfeiture for
non-payment.Stock may be
sold.Subscriber lia-
ble for bal-
ance.Notice to be
given.

Repeal.

Directors to fill
vacancies.

To hold over.

SEC. 2. *Be it further enacted*, That any Stock subscribed for under the authority given by the next preceding Section of this Act, may be forfeited for the non-payment of any instalment that may be due thereon at any time in accordance with the provisions, conditions and limitations contained in the sixth Section of the Act to which this is an amendment, and may be sold by the said Company to pay the amount that may be due thereon, but should not the Stock so forfeited and sold bring the amount due thereon, then in that case the subscriber for said Stock shall be liable to the said Company for the residue, which may be recovered in any Court having jurisdiction thereof: *Provided*, That no such forfeiture or sale shall take place until notice of such intended forfeiture and sale shall have been given, according to the provisions of the same sixth Section.

SEC. 3. *Be it further enacted*, That so much of the same sixth Section as relates to money Director, be, and the same is hereby repealed.

SEC. 4. *Be it further enacted*, That the Board of Directors of the said Company, at any regular meeting thereof, a majority of the same being present, shall have power to fill any vacancy which now exists or that may hereafter occur in said Board, until the next election to be held by the Stockholders of said Company; and moreover, that any Director elected either by the Stockholders or the said Board, shall continue in office until his successor is elected and signifies his acceptance of said office.

[Passed the Senate December 19, 1854. Passed the House of Representatives January 11, 1855. Approved by the Governor January 18, 1855.]

CHAPTER 665.—[No. 56.]

AN ACT to improve the Navigation of the Harbor and Bay of Apalachicola.

Commissioners
of Pilotage
empowered to
open and im-
prove the nav-
igation.Survey to be
made.

Where filed.

Marks to be
erected.

SECTION. 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That authority is hereby granted to the Board of Commissioners of Pilotage for the Port of Apalachicola, to open and improve the navigation of the Harbor and Bay of said Port, and more particularly, the part of said Harbor known as "the straight channel." That the said improvement shall be made in the manner hereinafter provided.

SEC. 2. *Be it further enacted*, That said Board of Commissioners of Pilotage shall cause an accurate survey of said Channel to be made, a copy of which, when completed, shall be filed in the office of the Clerk of the Circuit Court for Franklin County. That after the completion and filing of said survey, the Board of Commissioners shall cause a permanent mark to be erected, whereby the greatest depth of water in said channel, at mean high tide, may be established, and after the erection of said mark, the Board may proceed, in such

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manner as to them may seem best, to improve the depth of water in said channel, and to keep the same open.

SEC. 3. *Be it further enacted*, That the said Board shall be, and they are hereby authorized to levy a reasonable toll on all vessels using said Improvement: *Provided*, That no vessel, drawing the same number of feet or less, which could have used said channel before the commencement of the Improvement thereof, shall ever be charged for the use of the same.

Toll levied.

Proviso.

SEC. 4. *Be it further enacted*, That in order to defray the expenses of said Improvement, the Mayor and Council of the City of Apalachicola be, and they are hereby authorized to issue Bonds of said City, in a sum not exceeding Ten Thousand Dollars; said Bonds to bear interest at the rate of eight per cent. per annum: *Provided*, That said Bonds shall not be sold for less than ten per cent. discount. *And provided further*, That said Bonds shall only be issued on the requisition of the President of the Board of Commissioners of Pilotage, and from time to time and in such sums as the exigencies of the works may require.

City Council authorized to issue bonds.

SEC. 5. *Be it further enacted*, That the tolls received from vessels using said channel shall, after deducting the expense of collecting the same, be paid over to the Treasurer of the City of Apalachicola, to be set aside for, and appropriated to the payment of the Bonds of said City, issued in pursuance of the provisions of this Act.

Tolls received to whom paid and how appropriated.

SEC. 6. *Be it further enacted*, That whenever the Tolls received from said Channel shall have paid off the Bonds and interest on the same, the said tolls shall be reduced to a rate sufficient to keep the Channel in good repair, and to accumulate a fund not exceeding in amount the sum of five thousand dollars, which fund shall be put out at interest, and the interest expended in the further improvement of said Channel, and of such other parts of the Harbor or Bay of Apalachicola as may be deemed necessary by the said Board.

After payment of bonds tolls to be reduced.

SEC. 7. *Be it further enacted*, That the Tolls levied in conformity to the provisions of this Act, shall be recoverable in the same manner in which fees and rates of Pilotage established by the Board of Commissioners of Pilotage for the Port of Apalachicola, are now by law made recoverable.

Tolls how recoverable.

[Passed the Senate December 20, 1854. Passed the House of Representatives December 22, 1854. Approved by the Governor January 10, 1855.]

CHAPTER 666.—[No. 57.]

AN ACT to change the mode of compensating the several Solicitors or Prosecuting Attorneys of this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That

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Solicitors not
to receive fees.

hereafter the Solicitors or Prosecuting Attorneys of the several Judicial Circuits of this State, shall be compensated for their services exclusively by salary, and shall not hereafter be entitled to any fees or perquisites.

Salary.

SEC. 2. *Be it further enacted*, That the several Solicitors or Prosecuting Attorneys of this State, shall receive an annual salary of eight hundred dollars, payable quarterly, as other salaries are by law paid.

[Passed the Senate, December 29, 1854. Passed the House of Representatives January 4, 1855. Approved January 11, 1855.]

CHAPTER 667.—[No. 58.]

AN ACT to change the time of holding Court in the Southern Judicial Circuit of Florida.

Spring terms.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the terms of the Circuit Court in the Southern Circuit of Florida shall hereafter be held as follows, viz: Spring Term, in Levy, on the third Monday in March; in Hernando on the fourth Monday in March; in Hillsborough on the first Monday in April; in Manatee, on the third Monday in April; in Monroe on the second Monday in May. Fall Term: In Levy on the first Monday in October; in Hernando on the second Monday in October; in Hillsborough on the third Monday in October; in Manatee, on the first Monday in November; in Monroe on the first Monday in December.

Fall terms.

[Passed the House of Representatives, January 11, 1855. Passed the Senate, January 12, 1855. Approved January 17, 1855.]

CHAPTER 668.—[No. 59.]

AN ACT making appropriations for the expenses of the State Government for the Fiscal Year 1855.

Appropriation.

SECTION. 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the following sums be, and are hereby appropriated for the fiscal year, 1855, to-wit: H. V. Snell, President of the Senate, \$304; W. A. Brinson, \$170; D. B. Bird, \$156; W. H. Cone, \$204; W. L. Criglar, \$244; W. J. J. Duncan, \$204; T. J. Eppes, \$224; James Filor, \$444; Angus Gillis, \$204; G. E. Hawes, \$248; Edward Hopkins, \$234; W. E. Kilcrease, \$156; M. A. Long, \$144; A. W. Nicholson, \$260; J. T. Myrick, \$174; David Provence, \$232; James Smith, \$152; H. J. Stewart, \$78; E. D. Tracy, \$232; W

B. Wynn, \$180; W. F. Russell, Speaker of the House of Representatives, \$376; Dempsey Fennell, \$204; A. L. Riviere, \$178; W. M. C. Neel, \$172; J. B. Whitehurst, \$176; Thomas Langford, \$174; J. R. Haddock, \$184; B. W. Thompson, \$244; Jesse Carter, \$264; D. C. Prescott, \$214; Paul Dismukes, \$152; D. W. Holoman, \$154; M. M. Johnston, \$151 80; B. W. Bellamy, \$152; J. B. Christie, \$149 60; G. Chaires, \$149 60; A. R. Coombs, \$152; Milton Haynes, \$234; James Brown, \$204; W. S. Harris, \$234; B. C. Pope, \$170; J. P. Penn, \$224; John Parsons, \$264; L. W. Rowley, \$242; E. Wall, \$264; G. VanZant, \$195; J. T. Baisden, \$204; James F. Thompson, \$264; H. Jones, \$244; Philip Dell, \$204; J. Taylor, \$152; J. F. Dewitt, \$152 50; E. J. Dummett, \$231 20; S. F. Jones, \$444; J. B. Galbraith, \$144; Giles Bowers, \$204; R. A. Shine, \$144; N. D. Zeigler, \$68; Joel Porter, \$186; to D. G. Livingston, Secretary of Senate, \$240; John L. Purviance, Assistant Clerk, \$192; B. F. Parker, Engrossing Clerk, \$192; Jno. G. Smith, Enrolling Clerk, \$192; John G. Park, Sergeant-at-Arms, \$192; John White, Door-keeper and Messenger, \$192; Rev. D. M. Turner, Chaplain, \$50; to H. A. Corley, Clerk of the House of Representatives, \$240; W. Scott, Assistant, \$192; A. L. Fisher, Engrossing Clerk, \$192; Moses Atkins, Enrolling Clerk, \$192; J. C. Jones, Sergeant-at-Arms, \$192; A. B. Campbell, Door-keeper and Messenger, \$192; Rev. R. M. Tydings, Chaplain, \$50; for Printing Bills, Slips, Journals and Laws, \$4,500; Contingent Expenses of General Assembly, \$650; Salaries of Public Officers, \$20,500; J. P. K. Savage, for services as Clerk to Board of Internal Improvement, \$10; H. A. Corley, for services as Clerk to Board of Internal Improvement, \$10; for Contingent Expenses of State Government, \$5,000; Criminal Prosecutions and Contingent Expenses of the Circuit Courts, \$12,000; Contingent Expenses of Supreme Court, \$1,800; Jurors and Witnesses, \$10,000; Residence of Governor, \$500; Rent of Armory, \$250; Interest on Money Borrowed, \$2,080; Expenses on Land Bought in, \$400; Expenses of Taking Census, \$4,000; Expenses of Adjourned Session of the General Assembly, \$10,000; Purchase of Safe for Treasurer's Office, \$300; Expenses of Treasurer in Collecting Land Bonds, \$250; Towle & Myers, for Stationery, \$10; Judge Forward, for expenses in attending the Session of the Supreme Court, \$400.

Sec. 2. *Be it further enacted*, That the sum appropriated for the Contingent Expenses of the State, shall be subject to the order of the Governor, and paid on presentation of the same to the Treasurer.

Contingent expenses.

[Passed the House of Representatives January 12, 1855. Passed the Senate January 12, 1855. Approved by the Governor January 13, 1855.]

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CHAPTER 669.—[No. 60.]

AN ACT to empower Malcolm Nicholson to assume the management of his own estate.

Management
of estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That Malcolm Nicholson, a minor, of Gadsden County, be, and he is hereby authorized to assume the management, possession and control of his own property, rights, credits and estate, and to sue for, recover, hold, use, enjoy, and dispose of the same by sale, or otherwise, in the same manner, and to the same extent, as if he had attained the age of twenty-one years.

Contract.

SEC. 2. *Be it further enacted,* That the said Malcolm Nicholson be, and he is hereby authorized and empowered to enter into contracts, settlements, and agreements, which shall be valid to the same extent, and be as binding upon him and his property, as if he had attained the age of twenty-one years.

Guardian, &c.,
liable to ac-
count.

SEC. 3. *Be it further enacted,* That this Act shall not be so construed as to discharge from liability any person who, as guardian or executor, is now, or may hereafter be, liable to account to said Malcolm Nicholson for any portion of his property or estate, or for the hires, incomes, use and profits thereof.

[Passed the House of Representatives, December 11, 1854. Passed the Senate, December 15, 1854. Approved December 19, 1854.]

CHAPTER 670.—[No. 61.]

AN ACT to empower John Richard Bradford, a minor, to assume the management of his own estate.

Management
of estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That John Richard Bradford be authorized to assume the management of his own estate, and that the letters of guardianship which may have issued in behalf of said minor, be and the same are hereby revoked.

Contract.

SEC. 2. *Be it further enacted,* That all contracts heretofore entered into, and all other acts of whatsoever kind done and performed by the said John Richard Bradford, shall be as valid and binding in law as if the said Bradford had attained the age of twenty-one years.

Guardian lia-
ble to account.

SEC. 3. *Be it further enacted,* That this act shall not be construed to relieve the guardian of said minor from any responsibilities imposed upon him or her in consequence of said guardianship, nor to relieve him or her from accounting to said minor for the management of his estate up to the passage of this Act.

[Passed the Senate, December 1, 1854. Passed the House of Representatives, December 6, 1854. Approved by the Governor, December 14, 1854.]

CHAPTER 671.—[No. 62.]

AN ACT for the relief of Henry Christy and Theophilus Higginbotham.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That Henry Christy and Theophilus Higginbotham, both of Hernando County, be, and they are hereby allowed to enter and pay for the tracts of School Land on which they are respectively settled, not to exceed one quarter section each, at the appraised price, under the privileges by law allowed to purchasers of State Lands.

Allowed to enter land.

Terms.

[Passed the House of Representatives, December 7, 1854. Passed the Senate December 15, 1854. Approved by the Governor December 21, 1854.]

CHAPTER 672.—[No. 63.]

AN ACT to authorize Jackson Lee of Hamilton County, to assume the management of his own estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That Jackson Lee, a minor, be, and he is hereby authorized to assume the management of his own estate.

Management of estate.

SEC. 2. *Be it further enacted,* That the said Jackson Lee be, and he is hereby empowered to contract and be contracted with, and all contracts entered into by him shall be as valid in law as though he had attained the age of twenty-one years.

Contracts.

[Passed the House of Representatives December 9, 1854. Passed the Senate December 12, 1854. Approved by the Governor December 15, 1854.]

CHAPTER 673.—[No. 64.]

AN ACT to admit Anderson J. Peeler to practice Law in the several Courts of this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That Anderson J. Peeler shall be admitted to practice as an Attorney and Counsellor at Law, and Solicitor, in the several Courts of Law and Equity in this State: *Provided,* If he should be found qualified according to the manner and form now prescribed by law.

Admitted to practice Law.

Proviso.

SEC. 2. *Be it further enacted,* That the said Anderson J. Peeler, if admitted to practice under the provisions of this Act, shall be legally responsible and liable for his acts in the capacity of Attorney,

Liable for acts as Attorney.

1854.

Counsellor, and Solicitor, as though he had attained the age of twenty-one years.

[Passed the House of Representatives December 23, 1854. Passed the Senate January 1, 1855. Approved by the Governor January 6, 1855.]

CHAPTER 674.—[No. 65.]

AN ACT for the relief of Algernon S. Speer and Arthur Ginn.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the Comptroller of this State is hereby instructed to audit and allow to Dr. Algernon S. Speer, the pay and allowance of a Surgeon in the army of the United States for the time he was actually engaged as Surgeon with the troops under the command of General Hopkins, when engaged in operations against the Indians in South Florida in the year 1852: *Provided*, That the pay already allowed to said Speer, as first Lieutenant, under an act approved January 8, 1853, be deducted from said amount.

SEC. 2. *Be it further enacted*, That the Comptroller allow said Speer, in addition to the sum provided for in the first section of this Act, the sum of four hundred dollars for medicines furnished by him to said troops.

SEC. 3. *Be it further enacted*, That the said Comptroller audit and allow to Arthur Ginn, the pay and allowance of a Quarter Master in the army of the United States service, for the time he was actually engaged as a Quarter Master with the troops under the command of General Hopkins, when engaged in operations against the Indians in South Florida in 1852: *Provided*, That the pay already received by said Ginn as First Lieutenant under the Act approved January 8, 1853, be deducted from said amount.

SEC. 4. *Be it further enacted*, That the Treasurer of this State is hereby directed to pay the warrants, which shall be issued by the Comptroller, in pursuance of the foregoing Act, out of any monies in the Treasury not otherwise expended.

[Passed the House of Representatives December 11, 1854. Passed the Senate December 14, 1854. Approved by the Governor December 18, 1854.]

CHAPTER 675.—[No. 66.]

AN ACT to authorize James M. Cockroff to erect a Toll-Bridge across East River, in the County of Walton, at or near Cockroff's Ferry, on said River.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That

James M. Cockroff, of the County of Walton, be and he is hereby authorized to erect a Toll Bridge across East River in said County, at or near Cockroff's Ferry on said River. The said Bridge to be built of substantial materials, and constructed to ensure safe, and convenient passage, over the same, for loaded Wagons and other vehicles, and to be kept by the said Cockroff, his heirs, and assigns, in good and safe condition, for the convenience of travellers.

SEC. 2. *Be it further enacted*, That it shall not be lawful for any other person or persons to build or erect any Bridge, or establish any Ferry across said River within five miles of said Bridge, above or below the same, except for his or their own private use, and not for charging or receiving toll. And the said James M. Cockroff, his heirs and assigns, shall have and enjoy exclusive right and privilege over said Bridge, and its emoluments, within the said specified limits, for and during the term and period of fifteen years from the passage of this Act.

1854.
Bridge how
built.

Exclusive priv-
ilege.

SEC. 3. *Be it further enacted*, That the said James M. Cockroff, his heirs or legal representatives, shall complete the construction of said Bridge within two years from the date of the passage of this Act, for the convenient passage of travellers and vehicles, otherwise this Act shall be null and void.

To be built
within 2 years.

SEC. 4. *Be it further enacted*, That it shall be lawful for the said James M. Cockroff, his heirs and assigns, to charge and receive such toll as may be fixed and provided from time to time, by the County Commissioners of said County, or as shall be otherwise established by law.

Tolls.

[Passed the House of Representatives December 12, 1854. Passed the Senate December 13, 1854. Approved by the Governor December 18, 1854.]

CHAPTER 676.—[No. 67.]

AN ACT for the relief of the town of Quincy.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That from and after the passage of this act, the Corporation of the Town of Quincy shall be exempted from the operation of so much of the act passed on the 24th of July, A. D., 1845, as restricts incorporated towns to an assessment of not more than fifty per cent. upon the State tax: *Provided*, That all assessments of taxes to be made within the corporate limits of the said town, shall be upon the principles established by the Constitution in regard to State taxation.

Corporation
not restricted
as to tax.

Provide.

[Passed the House of Representatives December 19, 1854. Passed the Senate December 22, 1854. Approved by the Governor December 29, 1854.]

1854.

CHAPTER 677.—[No. 68.]

AN ACT to authorize B. T. Jordan to build a Bridge across the Suwannee River, and for other purposes.

Bridge where built. SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened, That* B. T. Jordan be and he is hereby authorized to build a Toll Bridge across the Suwannee River, at or near the White Springs on the West side of said River.

Toll. SEC. 2. *Be it further enacted, That* the County Commissioners of Columbia County shall establish the rate of Toll for crossing said Bridge, as soon as the same shall be built.

Navigation of River. SEC. 3. *Be it further enacted, That* the said Bridge shall be so constructed as not to interfere with the navigation of said River.

[Passed the House of Representatives December 13, 1854. Passed the Senate December 18, 1854. Approved by the Governor December 22, 1854.]

CHAPTER 678.—[No. 69.]

AN ACT to authorize Samuel A. Leonard to build a Wharf in the city of Pensacola.

Wharf. SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened, That* Samuel A. Leonard be and he is hereby authorized and empowered to construct a Wharf at and from the termination of Baylen street, in the city of Pensacola: *Provided, That* the building of the same does not, or will not at any time hereafter, conflict with the rights or privileges of any individual or corporation.

Tolls. SEC. 2. *Be it further enacted, That* the said Samuel A. Leonard, his heirs, executors, administrators and assigns, shall have power to assess and collect tolls and rates of Wharfage, by suit or otherwise, for the use of said Wharf, so far as may be consistent with the rights of the city of Pensacola to regulate such rates.

[Passed the House of Representatives December 11, 1854. Passed the Senate December 13, 1854. Approved by the Governor December 15, 1854.]

CHAPTER 679.—[No. 70.]

AN ACT to authorize Oliver H. Hearn to build a Toll Bridge across the Aucilla River.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened, That*

Oliver H. Hearn be and he is hereby authorized to build a Toll Bridge across the Aucilla River, at a place known as Whiddon's Ferry.

SEC. 2. *Be it further enacted*, That the said Oliver H. Hearn, his heirs and assigns shall at all times keep a good and substantial Bridge, and shall receive such rates of toll only as may be established by the County Commissioners of Madison County.

[Passed the House of Representatives December 18, 1854. Passed the Senate December 21, 1854. Approved by the Governor December 29, 1854.]

1854
Bridge where
built.

Tolls.

CHAPTER 680.—[No. 71.]

AN ACT to legitamatize and change the name of certain persons therein named.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That from and after the passage of this act, the names of Richard R. Lamb, James B. Lamb, Thomas B. Lamb, Wade Ann Lamb and Charlotte Ann Lamb, be and the same are hereby changed from Lamb to Watts, and that they shall be hereafter, respectively, entitled to the names of Richard R. Watts, James B. Watts, Thomas B. Watts, Wade Ann Watts and Charlotte Ann Watts.

Names chang-
ed.

SEC. 2. *Be it further enacted*, That the said Richard R. Watts, James B. Watts, Thomas B. Watts, Wade Ann Watts and Charlotte Ann Watts be declared legitimate, and entitled to the same rights and privileges as though they had been born in lawful wedlock.

Legitimated.

[Passed the House of Representatives January 5, 1855. Passed the Senate January 6, 1855. Approved by the Governor January 17, 1855.]

CHAPTER 681.—[No. 72.]

AN ACT for the relief of John B. Anderson, of Jackson County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the Treasurer of this State be and he is hereby authorized and required to refund to John B. Anderson, of the County and State above mentioned, the sum of one hundred and two dollars, forty-two and a half cents, the same having been received from him for certain Lands belonging to the Seminary Fund, which said Lands are described as follows, and call for the amounts of one hundred and thirty-three acres, viz: Lot No. 2, Section 15, in Township 4, Range 7, North and West; That said Lands by actual survey by the County Surveyor of the County of Jackson, contain only one hundred and eight 90-100 acres, falling short of the amount purchased twenty-four 10-100 acres at the purchase price of ten dollars and twenty-five

Treasurer to
refund to and
for what.

1854.

cents, and amounts to the sum of one hundred and two dollars forty two and and a half cents, the same having been by incorrect survey wrongfully received of him.

[Passed the Senate December 12, 1854. Passed the House of Representatives December 16, 1854. Approved December 21, 1854.]

CHAPTER 682.—[No. 73.]

AN ACT to authorize Thomas H. Willis, of Leon County, a minor, to assume the management of his own estate and to contract and be contracted with.

Management
of estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That Thomas H. Willis, of the County of Leon, be and he is hereby authorized to assume the management of his own estate, and all contracts entered into by him and all agreements or engagements of every kind whatsoever made by him, after the passage of this act, shall be as valid and binding in law as if he had attained the age of twenty-one years.

Contracts.

[Passed the Senate December 18, 1854. Passed the House of Representatives December 21, 1854. Approved by the Governor, January 6, 1855.]

CHAPTER 683.—[No. 74.]

AN ACT to repeal An Act entitled An Act to change the name of Oliver Price to that of Oliver Delk, and for other purposes, approved January 8, 1853.

Repeal.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That An Act entitled An Act to change the name of Oliver Price to that of Oliver Delk, and for other purposes, approved January 8, 1853, be and the same is hereby repealed.

[Passed the House of Representatives, January 5, 1855. Passed the Senate, January 6, 1855. Approved January 17, 1855.]

CHAPTER 684.—[No. 75.]

AN ACT to authorize Absalom W. Smith to establish a Ferry across Suwannee River.

Ferry.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That Absalom W. Smith be, and he is hereby authorized to establish a ferry across the Suwannee River, at the Lower Mineral Springs, in

1854.

Columbia County, for and during the term of four years from and after the passage of this Act.

SEC. 2. *Be it further enacted*, That the said Absalom W. Smith shall, at all times, keep a good and sufficient Ferry Boat, or Flat, at all times to cross loaded wagons and teams, and he shall receive such rates of Ferriage as shall or may be established by the Board of County Commissioners of Columbia County, and be subject to the orders of said Commissioners.

Boats, &c., to
be kept.

Rates.

SEC. 3. *Be it further enacted*, That if the said Absalom W. Smith shall fail to establish the Ferry within six months from the passage of this Act, then the rights and privileges granted by this act are null and void.

Act to be void
when.

SEC. 4. *Be it further enacted*, That all laws conflicting with the provisions of this Act be, and the same are hereby repealed.

Repeal.

[Passed the House of Representatives, January 5, 1855. Passed the Senate, January 6, 1855. Approved January 11, 1855.]

CHAPTER 685.—[No. 76.]

AN ACT to authorize Stephen C. Gonzalez to build a Wharf in the City of Pensacola.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That Stephen C. Gonzales be, and he is hereby authorized and empowered to construct a Wharf at and from the termination of Zarragossa street, in the City of Pensacola: *Provided*, That the building of the same does not, or will not at any time hereafter, conflict with the rights and privileges of any individual or corporation.

Wharf.

SEC. 2. *Be it further enacted*, That the said Stephen C. Gonzalez, his heirs, executors, administrators, or assigns, shall have power to assess and collect tolls and rates of wharfage, by suit or otherwise, for the use of said wharf, so far as may be consistent with the rights of the City of Pensacola to regulate such rates.

Tolls.

Passed the House of Representatives December 11, 1854. Passed the Senate December 13, 1854. Approved December 15, 1854.]

CHAPTER 686.—[No. 77.]

AN ACT to authorize Celestino Gonzalez to establish a Wharf in the City of Pensacola.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That Celestino Gonzalez be, and he is hereby authorized to establish a

Wharf.

1854.

Wharf at and from the termination of any street in the City of Pensacola: *Provided*, That the building of the same shall not conflict with the existing rights of any individual or corporation.

Tolls. SEC. 2. *Be it further enacted*, That said Gonzalez shall have power to assess and collect tolls and rates of Wharfage for the use of said wharf, so far as may be consistent with the rights of the City of Pensacola.

Modification after 20 years. SEC. 3. *Be it further enacted*, That from and after twenty years after the passage of this Act, the same may be modified or repealed by any future Legislature.

[Passed the Senate January 4, 1855. Passed the House of Representatives January 9, 1855. Approved January 11, 1855.]

CHAPTER 687.—[No. 78.]

AN ACT to authorize William A. Gainer to build a Toll Bridge across Bear Creek.

Bridge. SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That William A. Gainer is hereby authorized to build a Toll bridge across Bear Creek, near Brown's Mills, in Washington County, and receive such toll as the County Commissioners of said County may allow.

Toll.

[Passed the House of Representatives, December 20, 1854. Passed the Senate, December 21, 1854. Approved, December 29, 1854.]

CAPTER 688.—[No. 79.]

AN ACT to change the name of Charles Irvin Vincan, and for other purposes.

Name changed. SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the name of Charles Irvin Vincan be, and the same is hereby changed to Jasper Iverson L. Green, and he is hereby made an adopted son and heir at law of Lovett Green of Leon County in this State.

[Passed the House of Representatives January 2, 1855. Passed the Senate January 6, 1855.]

CHAPTER 689.—[No. 80.]

AN ACT to legitimize Lucinda Read, and to make her the heir at law of William M. Read of the County of Hamilton, Florida.

SECTION 1. *Be it enacted by the Senate and House of Represen-*

tatives of the State of Florida in General Assembly convened, That from and after the passage of this act, Lucinda Read be, and she is hereby declared to be the legitimate heir of William M. Read, to all intents and purposes, and in every respect, as though the said Lucinda Read had been begotten in lawful wedlock.

[Passed the House of Representatives December 9, 1854. Passed the Senate December 12, 1854. Approved December 15, 1854.]

1854.
Legitimated.

CHAPTER 690.—[No. 81.]

AN ACT to authorize Benjamin Marshall to charge Wharfage in the Town of Milton.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened, That from and after the passage of this act, Benjamin Marshall be, and he is hereby authorized and empowered to keep a Wharf in the town of Milton: Provided, That the construction of the same does not conflict with the existing rights of any individual or corporation.*

Wharf.

SEC. 2. *Be it further enacted, That the said Benjamin Marshall shall have power to assess and collect toll for use of said Wharf, not exceeding any rates charged in similar cases in Pensacola.*

Tolls.

[Passed the House of Representatives January 1, 1855. Passed the Senate January 2, 1855. Approved January 9, 1855.]

CHAPTER 691.—[No. 82.]

AN ACT for the relief of William R. Hayward, and others.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Comptroller be required to issue his warrant on the Treasurer in favor of William R. Hayward for the sum of twenty-five dollars, also in favor of Doctors William F. Robertson and John Eppes for the sum of twenty-five dollars.*

Appropriation.

SEC. 5. *Be it further enacted, That the following sums be paid in like manner to the several persons herein named—to Dr. G. T. Maxwell, the sum of twenty-five dollars—to Dr. Robert Harrison, the sum of twenty-five dollars—to Dr. Thomas Bradford the sum of twenty-five dollars—to Dr. Darwin A. Branch, the sum of twenty-five dollars—to Dr. S. F. Jones, the sum of twenty-five dollars—to be paid out of any money in the Treasury not otherwise appropriated,*

Appropriation.

[Passed the House of Representatives, December 20, 1854. Passed the Senate December 29, 1854. Approved January 2, 1855.]

1854.

CHAPTER 692.—[No. 83.]

AN ACT to authorize W. M. C. Neel to establish a Ferry across the Chattahoochee River.

Ferry. SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened, That* W. M. C. Neel be, and he is hereby authorized to establish a Ferry across the Chattahoochee River at Neel's Landing in Jackson County, for and during the term of ten years from the passage of this Act.

Flat, &c. to be kept.

Rate of Ferriage.

Failure to establish in six months rights void.

Modification or repeal, &c.

SEC. 2. *Be it further enacted, That* the said W. M. C. Neel shall at all times keep a good and sufficient Flat or Ferry Boat at said Ferry, to cross loaded wagons and teams, and shall receive such rates of Ferriage as may be established from time to time by the County Commissioners of Jackson County, and be subject to the orders of said Commissioners.

SEC. 3. *Be it further enacted, That* if the said W. M. C. Neel shall fail to establish a Ferry within six months from the passage of this Act, then the rights and privileges granted by this Act are void.

SEC. 4. *Be it further enacted, That* this Act shall at any time hereafter be subject to be amended, modified, or repealed by any future Legislature of the State of Florida.

[Passed the House of Representatives, January 5, 1855. Passed the Senate January 6, 1855. Approved by the Governor, January 13, 1855.]

CHAPTER 693.—[No. 84.]

AN ACT to authorize Andrew J. Smiley of Columbia County, a Minor, to assume the management of his own estate.

Management of estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened, That* Andrew J. Smiley, a Minor, be, and he is hereby authorized to assume the management of his own estate.

Contracts.

SEC. 2. *Be it further enacted, That* the said Andrew J. Smiley be, and he is hereby empowered to contract, and be contracted with, and all contracts entered into by him shall be as valid in law, as though he had attained the age of twenty-one years.

[Passed the House of Representatives, December 6, 1854. Passed the Senate December 11, 1854. Approved by the Governor December 15, 1854.]

CHAPTER 694.—[No. 85.]

AN ACT to authorize Allen Mondin to establish a Toll Bridge across the Withlacoochee River.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That Allen Mondin be, and he is hereby authorized to establish a Toll Bridge across the Withlacoochee River at Camp Izard. Bridge.

SEC. 2. *Be it further enacted,* That the said Allen Mondin, his heirs and assigns, shall at all times keep a good and substantial Toll Bridge, and shall receive such rates of toll only as may be established by the County Commissioners of Hernando County.

[Passed the House of Representatives December 7, 1854. Passed the Senate December 9, 1854. Approved December 15, 1854.]

CHAPTER 695.—[No. 86.]

AN ACT to authorize Elijah Johnson & Co., to establish a Ferry across the Chattahoochee River.

SECTION. 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That Elijah Johnson & Co., be, and they are hereby authorized to establish a Ferry across the Chattahoochee River, at Hair's Landing, Jackson County, for and during the term of five years from the passage of this Act. Ferry. Limitation of right.

SEC. 2. *Be it further enacted,* That the said Elijah Johnson & Co., their heirs and assigns, shall at all times keep a good and sufficient Ferry Boat, or Flat, to cross loaded wagons and teams, and they shall receive such rates of ferriage, as shall or may be established by the Board of County Commissioners of Jackson County, and be subject to the orders of said Commissioners. Boat, &c. to be kept. Rates of Ferriage.

SEC. 3. *Be it further enacted,* That if the said Elijah Johnson & Co. shall fail to establish the Ferry within six months from the passage of this Act, then the rights and privileges granted by this Act are null and void. Failing to establish in six months rights void.

SEC. 4. *Be it further enacted,* That this Act shall at any time hereafter be subject to be amended by any future Legislature of the State of Florida. Modification or repeal, &c.

[Passed the House of Representatives January 2, 1855. Passed the Senate January 5, 1855. Approved January 10, 1855.]

1854.

CHAPTER 696.—[No. 87.]

AN ACT to authorize Henry Benner to establish a Ferry on the Withlacoochee River.

Ferry.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened, That* Henry Benner be, and he is hereby authorized to establish a Ferry at or near the Sulphur Spring on the Withlacoochee River below Fort Clinch.

Established
within 1 year.

SEC. 2. *Be it further enacted, That* the said Henry Benner, his heirs and assigns, shall establish said Ferry within one year from the passage of this act, shall at all times keep a good and sufficient Flat to cross loaded wagons and teams, and shall receive such rates of Ferriage as may be established from time to time, by the Commissioners of Hernando County.

Rates of Fer-
riage.

[Passed the House of Representatives December 7, 1854. Passed the Senate, December 9, 1854. Approved by the Governor December 15, 1854.]

CHAPTER 697.—[No. 88.]

AN ACT to permanently locate the County Site of Hernando County.

Bay Port Coun-
ty site.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened, That* the Court House of Hernando County shall be located at Bay Port, and the Circuit Court for said County, and the officers in connection with said Court, and for County purposes, shall be held and established at said Bay Port, from and after the first day of June, A. D., 1855.

Court where
held.

Repeal.

SEC. 2. *Be it further enacted, That* all laws and parts of laws, conflicting with the provisions of this Act, be and the same are hereby repealed.

[Passed the House of Representatives, December 19, 1854. Passed the Senate, December 22, 1854. Approved by the Governor, December 29, 1854.]

CHAPTER 698.—[No. 89.]

AN ACT for the relief of John Sapp of Madison County.

WHEREAS, John Sapp of Madison County, on the 29th of March, 1852, purchased from the State of Florida the S. E. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of Section 24, Township 2, Range 5, S. & E., under a mistake caused by his ignorance as to the proper numbers of the land he wanted: Therefore,

1854

May rescind
purchase of
State land.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the said John Sapp be, and he is hereby authorized to rescind said purchase by returning to the Register of Public Lands his certificate of purchase, and receiving from the Treasurer such money and notes as he, the said Sapp, has paid or given on account of said land.

[Passed the House of Representatives, Decembe 21, 1854. Passed the Senate December 27, 1854.]

CHAPTER 699.—[No. 90.]

AN ACT extending the time authorizing George H. Tresper to establish a Ferry across the Suwannee River at Clay Landing, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That George H. Tresper have the further time of two years extended him to establish a Ferry on the Suwannee River, with all the privileges, &c., accorded to him in an Act approved by the Governor, December 21, 1852.

Further time
extended.

[Passed the House of Representatives, December 22, 1854. Passed the Senate December 27, 1854. Approved by the Governor, December 29, 1854.]

CHAPTER 700.—[No. 91.]

AN ACT to extend the time for the enjoyment of the chartered privileges of the Columbus Bridge Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That all the privileges contained in the Act, heretofore passed, incorporating the Columbus Bridge Company be, and the same are hereby continued for the further space of ten years.

Privileges ex-
tended to ten
years.

[Passed the House of Representatives January 9, 1855. Passed the Senate January 12, 1855.]

CHAPTER 701.—[No. 92.]

AN ACT to authorize William Webb to establish a Ferry across Escambia Bay.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That William Webb be, and he is hereby authorized to establish a Ferry across Escambia Bay, running from the main land at or near a place

Ferry where
established.

1854.

Boats, &c., to
be kept.Rates of fer-
riage.Failing to es-
tablish within
twelve months
rights void.

called Norega, on the west side of Escambia Bay, to or near Bayou Mulatt on the east side of said Bay, for and during the term of twenty years from and after the passage of this Act.

SEC. 2. *Be it further enacted*, That the said William Webb, his heirs and assigns, shall at all times keep a good and sufficient Ferry Boat or Flat, at all times, (wind and weather permitting) to cross wagons, carriages and teams of all description, loaded or unloaded, and he or they shall receive such rates of ferriage as shall or may be established from time to time by the Board of County Commissioners of Escambia County, and be subject to the orders of said Commissioners.

SEC. 3. *Be it further enacted*, That if the said William Webb, or his heirs and assigns, shall fail to establish said Ferry within twelve months from the passage of this Act, then the rights and privileges granted by this Act are null and void.

[Passed the Senate, December 18, 1854. Passed the House of Representatives, December 21, 1854. Approved by the Governor, January 6, 1855.]

CHAPTER 702.—[No. 93.]

AN ACT to empower Charles H. Longworth of Gadsden County to assume the management of his own estate.

Management of
estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That from and after the passage of this Act, Charles H. Longworth shall be authorized to assume the management of his own estate.

Contract.

SEC. 2. *Be it further enacted*, That all contracts hereafter entered into by the aforesaid Longworth, shall be as binding in law and equity as if the said Longworth had attained to the age of twenty-one years.

[Passed the Senate December 20, 1854. Passed the House of Representatives December 23, 1854. Approved January 6, 1855.]

CHAPTER 703.—[No. 94.]

AN ACT to authorize Samuel B. Thompson to establish a Toll Bridge or Ferry across the South Prong of Black Creek, at Middleburg.

Bridge or Fer-
ry.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That Samuel B. Thompson be and he is hereby authorized to establish a Toll Bridge or Ferry, and charged with the keeping of the same, across the South Prong of Black Creek.

SEC. 2. *Be it further enacted*, That the said Samuel B. Thomp-

son, his heirs and assigns, shall at all times keep a good and sufficient Toll Bridge or Ferry Boat to cross Wagons and Teams, and he or they shall receive such rates of Ferriage as may be established from time to time by the Board of County Commissioners of Duval County.

SEC. 3. *Be it further enacted*, That if the said Samuel B. Thompson shall fail to establish Toll Bridge or Ferry within twelve months from the passage of this bill, than the provisions herein granted shall be void, nor shall this act be so construed as to conflict with any privilege which may have been heretofore granted, otherwise to remain in full force for five years from the passage of the same.

[Passed the Senate January 6, 1855. Passed the House of Representatives January 12, 1855. Approved by the Governor January 17, 1855.]

1854.

Bridge or Boat to be kept. Rates of ferriage.

Failing to establish Bridge or Ferry within 12 months act void. Term.

CHAPTER 704.—[No. 95.]

AN ACT to enforce the laws against violations of the Sabbath day in Monroe County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That it is hereby made the duty of the Sheriff of Monroe County to see that the laws requiring the closing of Stores on the Sabbath day, be strictly enforced, and that hereafter if any Store-keeper, Merchant or other person in Monroe County shall open Store to dispose of any wares or merchandize, goods or chattels on the Sabbath day, it shall be the duty of the Sheriff of said County to make known the fact to the Grand Jury at the next ensuing term of the Circuit Court, and to cause himself to be entered as prosecutor on any bill of indictment that may be ordered by said Grand Jury, and to appear and give evidence of such offence.

Sheriff to see stores closed on Sabbath day.

To report and prosecute all offenders before Grand Jury.

SEC. 2. *Be it further enacted*, That said Sheriff of Monroe County shall in no case be liable for the costs of prosecution, under this act, but shall receive in every case of conviction, when he shall prosecute under this act, a fee of ten dollars, to be taxed against, and collected from the defendant as other fines and costs are by law collected.

Not liable for costs.

Fee against whom taxed.

[Passed the Senate December 14, 1854. Passed the House of Representatives December 18, 1854. Approved December 29th, 1854.]

CHAPTER 705.—[No. 96.]

AN ACT to be entitled An Act regulating the Quarantine for the Port of St. Marks.

WHEREAS, It is highly expedient that the corporation of the Town

1854.

Authority of
President and
Board of Council
of Newport.

Declared
board of health

May order in-
to quarantine.

Jurisdiction of
board of health

Power to or-
der Pilots, &c.

Fine for viola-
ting orders.

of New Port, Wakulla County, should exercise the power of compelling vessels coming from Ports or places suspected to be infected with contagious or malignant diseases, to perform Quarantine; and whereas, doubts have arisen whether the corporation is invested with such power, under the existing laws: for the removal of such doubts,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That from and after the passage of this act, it shall be lawful for the President and Board of Council of the town of New Port, in Wakulla County, and their successors in office, who shall be, and they are hereby declared the Board of Health, for the town of New Port, and Port of St. Marks, to do all things, and enforce all acts as [are] now authorized by the general quarantine laws of the State, so far as relates to the Port of St. Marks and town of New Port, and that whenever they shall have reason to suspect that any vessel or vessels, person or persons, has or have sailed from, or come from any Port or place infected, supposed to be infected with any malignant or contagious disease, [they may] by resolution or order compel said vessel or vessels to come at anchor, or stop at the *Spanish Hole*, or such other place by the order or resolution pointed out, until an examination is made by the Health officer, as to the state and condition of the said vessel or vessels, person or persons, and until sufficient purification shall have taken place, and a certificate of the Health officer obtained to that effect.

SEC. 2. *Be it further enacted,* That the aforesaid Board of Health shall have jurisdiction, in case of quarantine, over all the waters from the Bar of St. Marks River, up said River, including all Rivers, inlets or creeks, entering or running therein, and shall have the power to compel each and every Pilot of the Port of St. Marks to obey their instructions, order or resolution in reference to the quarantine of any vessel, and [for] any violation or infraction of said instructions, he or they shall be fined in a sum of fifty dollars, to be collected in the same manner as fines in other cases are directed to be collected by the general law.

[Passed the House of Representatives January 10, 1855. Passed the Senate January 11, 1855. Approved by the Governor January 13, 1855.]

CHAPTER 706.—[No. 97.]

AN ACT to authorize Samuel D. Howse of Marion County to assume the management of his own Estate.

Management
of estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That Samuel D. Howse be, and he is hereby authorized, to assume

the management and control of his own estate, and that all contracts and agreements made hereafter by the said Samuel D. Howse be, and the same are hereby declared to be as binding upon him, as the same would or could be, if he were twenty-one years of age.

[Passed the Senate December 22, 1854. Passed the House of Representatives January 11, 1855. Approved January 17, 1855.]

CHAPTER 707.—[No. 98.]

AN ACT for the relief of Dr. C. A. Hentz.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Comptroller of Public Accounts be, and he is hereby authorized to audit and allow to Doctor C. A. Hentz, Twenty-five Dollars for his attendance on the Coroner's inquest, at an examination held on the body of E. B. Jordan in the year 1849.

Appropriation.

[Passed the Senate, December 15, 1854. Passed the House of Representatives, December 20, 1854. Approved by the Governor, December 29, 1854.]

CHAPTER 708.—[No. 99.]

AN ACT to establish a Ferry at Brown's Ferry in Jackson County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That E. B. M. Spivey, of Jackson County, in this State, be and he is hereby authorized to establish a Ferry across the Chattahoochee River in Jackson County, subject to such rates and other regulations as may be granted by the Board of County Commissioners of said County of Jackson.

E. B. M. Spivey authorized to establish Ferry.

Rates.

[Passed the Senate December 12, 1854. Passed the House of Representatives December 18, 1854. Approved by the Governor December 28, 1854.]

CHAPTER 709.—[No. 100.]

AN ACT to authorize James F. Harley, a Minor, to contract and be contracted with.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That James F. Harley, a Minor, of Leon County, be and he is hereby authorized and empowered to assume the management of his own estate.

Management of estate.

1854.

Contracts.

SEC. 2. *Be it further enacted*, That the said James F. Harley be and he is hereby empowered to contract and be contracted with, and all contracts entered into by him after the passage of this Act, and all agreements or other engagements, shall be as valid and binding in law as if he had attained to the age of twenty-one years.

[Passed the House of Representatives January 11, 1855. Passed the Senate January 12, 1855. Approved by the Governor January 13, 1855.]

CHAPTER 710.—[No. 101.]

AN ACT to authorize Gregory Yneistra and F. B. Bobe to establish a Wharf in the City of Pensacola.

Wharf.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That Gregory Yneistra and Francis B. Bobe be, and they are hereby authorized to establish a Wharf at and from the termination of any street in the city of Pensacola: *Provided*, That the building of the same does not conflict with the existing rights of any individual or Corporation.

Tolls.

SEC. 2. *Be it further enacted*, That the said Gregory Yneistra and Francis B. Bobe shall have power to assess and collect such Tolls and rates of Wharfage for the use of said Wharf, so far as may be consistent with the rights of the City of Pensacola to regulate the same.

[Passed the Senate January 4, 1855. Passed the House of Representatives January 9, 1855. Approved by the Governor January 11, 1855.]

CHAPTER 711.—[No. 102.]

AN ACT for the relief of James M. Landrum, Solicitor of the Western Circuit of the State of Florida.

Account to be audited.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the Comptroller be, and he is hereby instructed to audit and allow the Account of James M. Landrum, for the sum of Seventy-five Dollars, for services rendered in the Circuit Court for the County of Calhoun.

[Passed the Senate December 21, 1854. Passed the House of Representatives January 6, 1855. Approved by the Governor January 11, 1855.]

CHAPTER 712.—[No. 103.]

AN ACT granting aid to the County of Putnam to build a Court House and Jail.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the Comptroller of Public Accounts of this State be, and he is hereby required to loan out of the School or Seminary Fund a sum not exceeding three thousand dollars, at eight per cent. per annum, interest, payable semi-annually, to the County Commissioners of the County of Putnam, for two, three, or four years, for the purpose of erecting a Court House and Jail at the County site of said County of Putnam.

Comptroller to
loan money to
County Com
missioners.

How payable.

SEC. 2. *Be it further enacted*, That the above loan shall be secured to the School or Seminary Fund by such Bond and surety as the Governor and Comptroller may require and approve, as well as by pledging the County funds for that purpose.

Loan how se-
cured.

[Passed the Senate, January 5, 1855. Passed the House of Representatives, January 9, 1855. Approved January 13, 1855.]

CHAPTER 713.—[No. 104.]

AN ACT for the relief of Dr. William S. Wilson, and others.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the Comptroller of the State be and he is hereby required to audit and allow the undersigned persons to-wit: To Dr. William S. Wilson, and Etheldred Phillips, of Jackson County, twenty-five dollars each, for post mortem examination on negro man Sam, the property of Benjamin A. Dickens; to Doctor William A. Brinson, and R. H. Schaffer, of Madison County, twenty-five dollars each for post mortem examinations on the bodies of two slaves the property James W. Foy; to Doctor William A. Brinson, seventy-five dollars for post mortem examinations on three other subjects at different times; to Doctor John H. Pope, of Madison County, for post mortem examination on the body of Wiley Walker, twenty-five dollars; and to Doctor E. H. McDonald for post mortem examination on the body of John Cobb, twenty-five dollars.

Appropria-
tions to whom
made.

[Passed the Senate, January 5, 1855. Passed the House of Representatives, January 11, 1855. Approved January 13, 1855.]

1854.

CHAPTER 714.—[No. 105.]

AN ACT to authorize Neill Monroe to establish a Ferry on the Withlacoochee River.

Ferry

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That Neill Monroe be, and he is hereby authorized to establish a Ferry across the Withlacoochee River at a place known as Monroe's Ferry.

Flat to be kept

Rates of Fer-
riage.

SEC. 2. *Be it further enacted,* That said Neill Monroe, his heirs and assigns, shall at all times keep a good and sufficient Flat at said Ferry, to cross loaded wagons and teams, and shall receive such rates of Ferriage as may be from time to time established by the County Commissioners of Hernando County.

[Passed the House of Representatives, December 7, 1854. Passed the Senate December 11, 1854. Approved December 15, 1854.]

RESOLUTIONS

Passed at the Seventh Session of the General Assembly,

1854-'5.

[No. 1.]

Resolution for payment of the Board of Internal Improvement.

WHEREAS, The gentlemen composing the Board of Internal Improvement are now in this city, engaged in the performance of the duty assigned them, therefore,

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Treasurer be directed, and the Comptroller authorized to pay and audit the accounts of said Board, at the same rate of per diem and mileage as allowed members of the General Assembly.

Be it further resolved, That upon the Comptroller auditing said claims, it shall be the duty of the Treasurer to pay the same out of the Internal Improvement Fund: *Provided,* Said amount so paid shall be returned to said fund whenever any money shall come into the Treasury resulting from the sale of Swamp Lands.

[Passed the Senate December 12, 1854. Passed the House of Representatives December 16, 1854. Approved December 16, 1854.]

1854.

Accounts to be audited.

Out of what fund to be paid

Proviso.

[No. 2.]

Resolutions making appropriations for repairs on the Capitol.

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the sum of three thousand dollars be, and is hereby appropriated, to be expended in repairing the Capitol, to be paid out of any money in the Treasury not otherwise appropriated.

Be it further resolved, That the Governor and Treasurer are hereby authorized and requested to superintend the repairs to be made on the Capitol, and the money above appropriated shall be subject to their order for the purposes above provided.

[Passed the House of Representatives December 22, 1854. Passed the Senate December 29, 1854. Approved by the Governor January 2, 1855.]

Appropriation

Governor and Treasurer to superintend repairs.

RESOLUTIONS.

[No. 3.]

Resolution authorizing the Comptroller to audit certain accounts therein named.

Accounts of
Samuel Rus-
sell, deceased,
to be audited.

To whom paid.

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Comptroller of Public Accounts be authorized, and he is hereby required to audit the accounts of Samuel Russell, deceased, late Clerk of the Circuit Court for Alachua County, and draw his warrant on the Treasurer, in favor of the Administrator of said deceased, for the amount he may find unsettled in favor of the estate of said deceased.

[Passed the House of Representatives January 10, 1855. Passed the Senate January 12, 1855. Approved January 13, 1855.]

[No. 4.]

Resolution authorizing the Governor to compensate James D. Westcott for services in the Supreme Court of the United States, and for other purposes.

Allowance for
expenses and
Counsel fees.

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That his Excellency the Governor be, and he is hereby authorized to allow to Hon. J. D. Westcott his reasonable expenses in procuring maps and documents, and his reasonable compensation for his services, as Solicitor and Counsel in the case of the State of Florida vs. the State of Georgia in the Supreme Court of the United States, heretofore or hereafter rendered, and to settle the same as the Governor and the said Counsel may agree.

[Passed the House of Representatives December 21, 1854. Passed the Senate December 27, 1854. Approved December 29, 1854.]

[No. 5.]

Resolution to pay Agents for selecting Swamp Lands.

Pay to be ad-
vanced on ac-
count, &c.

Be it Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Trustees of the Internal Improvement Fund are hereby authorized and empowered to pay and advance to said Agents, on account, such sum as may seem to them necessary and just, sufficient to reimburse their outlay and enable them to proceed in the fulfilment of the obligations of their contract.

[Passed the House of Representatives January 8, 1855. Passed the Senate January 10, 1855. Approved by the Governor January 11, 1855.]

[No. 6.]

Resolution relative to copying the Laws of the present session.

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Governor be authorized to employ T. S. Haughton to copy the Laws passed this Session, and that the same compensation be allowed for said service, as was allowed for similar service at the last session of the General Assembly.

Governor to
employ copy-
ist.

Compensation.

[Passed the House of Representatives December 29, 1854. Passed the Senate January 2, 1855. Approved by the Governor January 11, 1855.]

[No. 7.]

Resolutions authorizing the Governor to turn over sixty Muskets and Accoutrements to the Florida Independent Blues, and others.

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Governor of this State is hereby authorized to turn over sixty Muskets and Accoutrements, out of the State Armory, to the Florida Independent Blues, a company organized in the city of St. Augustine, on application of the officers of said company for the same: *Provided,* That the said company, by their officers, or others for them, shall give proper bond for the return of the same, in good condition, when required by the Governor of this State.

Muskets, &c. to
be turned over.

Bond for their
return to be
given.

Be it further resolved, That the Governor is hereby authorized and requested to furnish to any company that may organize and make their report to him, such arms as they may desire: *Provided,* That they give bond for the return of the same in good condition.

Arms to other
companies.

Bond.

[Passed the House of Representatives December 20, 1854. Passed the Senate December 23, 1854. Approved by the Governor December 29, 1854.]

[No. 8.]

Resolutions in relation to the improvement of St. Johns Bar, and the preservation of the Site of the St. Johns Light House.

WHEREAS, In 1852 an application was made to Congress for an appropriation for the improvement of the navigation of the mouth of the St. Johns River, Florida; And whereas, Two appropriations, of ten thousand dollars each, were granted, both of which were based upon the plan and estimates made by Doctor A. S. Baldwin, and which received the recommendations of the proper authorities, and also the sanction of Congress: Therefore,

Preamble.

1854.

Asking appropriations to be applied to plan proposed.

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our Delegation in Congress be requested to use their best exertions to cause the appropriation of ten thousand dollars granted in the River and Harbor act passed August, 1852, for the improvement of the St. Johns River, Florida, and also the appropriation of ten thousand dollars granted in the Light House appropriation bill for the preservation of the Light House site at the mouth of the River St. Johns, Florida, passed in August, 1852, to be restored and applied to the construction of a dam across Fort George Inlet in accordance with the plan proposed.

How to be expended.

Be it further resolved, That our Delegation be requested to place the appropriation in the hands of the Governor of this State, and that the money be expended, and the work of construction of said dam be placed under the charge of an Agent or Engineer selected by the Governor of Florida.

[Passed the Senate December 21, 1854. Passed the House of Representatives December 28, 1854. Approved by the Governor January 10, 1855.]

[No. 9.]

Resolutions respecting the establishment of a Mail Route from Tallahassee via Sopchoppy, in Wakulla County, to White Bluff or Pickettsville, at the mouth of Crooked River on the Apalachicola Bay.

Preamble.

WHEREAS, The Counties of Wakulla and Franklin bordering on Ocklocknee and Crooked Rivers, are being densely settled and have thus far been overlooked by the General Government and unprovided with the facilities and blessings of a Mail connection with the interior portions of the State, and thus greatly inconvenienced for the same; And whereas, From their exposed condition on the Gulf of Mexico such a connection with the interior would be of great public benefit and convenience, and in time of War of immense service for the transmission of intelligence:

Mail Route.

Be it therefore resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our Senators and Representative in Congress be requested to urge upon the proper department in Washington City, the establishment of a Mail Route from Tallahassee, via Sopchoppy, in Wakulla County, to White Bluff or Pickettsville, at the mouth of Crooked River on the Apalachicola Bay, and that they use their best endeavors to have the same given out by contract at the earliest possible time.

Be it further resolved, That the Governor be requested to transmit, duly certified, a copy of the foregoing Preamble and Resolutions to our Senators and Representative in Congress.

[Passed the Senate, December 21, 1854. Passed the House of Representatives, December 23, 1854. Approved January 6, 1855.]

[No. 10.]

Resolution asking Congress to establish certain Mail Routes in Alachua County.

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our Senators and Representative in Congress be, and they are hereby requested to ask of Congress the establishment of a Mail Route from Newnansville, in Alachua County, by the head of Santa Fe to Orange Creek ; also to ask that the present route from Newnansville to Micanopy be so changed as to leave the present route at Fort Clark, and give the citizens of Gainsville or neighborhood a mail ; also a mail to Fort Crane.

Mail Routes.

[Passed the House of Representatives, January 10, 1855. Passed the Senate, January 12, 1855. Approved January 13, 1855.]

[No. 11.]

A Resolution to declare Manatee a Port of Delivery.

WHEREAS, Manatee, emptying into Tampa Bay on the Gulf of Mexico, in the County of Hillsborough, and the Country in its vicinity is improving in settlement, agriculture and commerce, and it possesses advantages, as an outlet to the Gulf, in facilitating the commerce of that section of country, and there being no Port of Delivery nearer than Tampa, a distance of forty-five miles, thereby subjecting the shipping interests of Manatee to great inconvenience : Therefore,

Preamble.

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our Representative be requested, and our Senators instructed to use their utmost endeavors and influence in Congress, to procure the passage of a law declaring and establishing the said Manatee a Port of Delivery, and that a copy hereof be transmitted to said Representative and Senators, by his Excellency the Governor, at his earliest convenience.

Port of Delivery.

[Passed the House of Representatives, December 6, 1854. Passed the Senate, December 11, 1854. Approved December 15, 1854.]

[No. 12.]

Resolution asking that Picolata be made a Port of Delivery.

WHEREAS, Picolata, on the St. John's River, in the County of St. Johns, from its peculiar position, is the touching point of numerous

Preamble.

1854.

Port of Deliv-
ery.

Steamers and Sail Vessels, navigating the River, and its neighborhood is rapidly increasing in commercial and agricultural importance, and there being no Port of Delivery nearer than St. Augustine, eighteen miles by land, thereby subjecting the shipping of Picolata to great inconvenience: Therefore,

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our Senators be instructed and our Representative requested to use their utmost endeavors and influence in Congress to procure the passage of a law declaring and establishing the said Picolata as a Port of Delivery, and that a copy hereof be transmitted to said Senators and Representative, by his Excellency the Governor, at his earliest convenience.

[Passed the House of Representatives, December 12, 1854. Passed the Senate, December 13, 1854. Approved by the Governor, December 15, 1854.]

[No. 13.]

Resolution in relation to Mail Route.

Mail Routes
requested.

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our Senators be instructed and our Representative be requested to urge upon the proper department, the necessity for establishing the Post Route from Waukenah, in Jefferson County, via Rocky Ford, Fort Fanning, Wekiva, Crystal River, Homosassa, to Bay Port, in Hernando County, as soon as practicable.

Extension and
establishment
of others.

Be it further resolved, That our Senators be instructed and our Representative requested to procure from Congress an extension of the Post Route now established from Stillepica, in Madison County, to Finhollaway, as far as to Spring Warrior; and that they urge upon the proper department the necessity of establishing the Post Route from Madison Court House, via Cook's, Hammock, Troy, Boston, Old Town, to Clay Landing, in Levy County.

[Passed the House of Representatives, December 28, 1854. Passed the Senate, January 2, 1855. Approved January 9, 1855.]

[No. 14.]

Preamble and Resolutions asking Congress to grant to the County of Hillsborough the Military Reserve, embracing Fort Brooke, for a Commercial Rail Road Depot.

WHEREAS, The Depot at Fort Brooke, at Tampa, in the County of Hillsborough, is partially abandoned by the United States as a Mil-

1854.

tary Station, the troops having been withdrawn and stationed at points South of the frontier settlements, and the principal Depot established at Ponto Rosa, or Charlotte Harbor, which circumstance, with the dilapidated condition of the Government buildings, indicate it no longer necessary for military operations : And Whereas, the said Military Reserve, fronting the Bay and Harbor of Hillsborough, possesses great local advantages for a Commercial Rail Road Report : Therefore

Preamble.

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our Senators in Congress be instructed, and our Representative requested, to procure the passage of a law granting to the County of Hillsborough the present Military Reserve, embracing Fort Brooke, with the buildings and appurtenances thereto, for the purpose of a Commercial Rail Road Depot.

[Hillsborough grant of military reserve.

Be it further resolved, That the Secretary of State forward a copy of this Preamble and Resolution to our Senators and Representative in Congress.

[Passed the House of Representatives, December 30, 1854. Passed the Senate January 1, 1855. Approved January 6, 1855.]

[No. 15.]

Resolution requesting an order from the Secretary of War to the Indian Agent in Florida, for the delivery of a Negro man belonging to B. M. Dell, of Florida.

WHEREAS, The Seminole Indians did, on or about the year 1836, capture and carry away into the Indian Country, a certain negro, by the name of Tony, known by the Agent and other persons that have seen him, to be the property of Bennett M. Dell, of Alachua County ; And whereas the said Agent did, during the year 1854, take and hold said negro Tony, as a hostage for two Georgia negroes, who were at large in the Indian Country, which said Tony the said Agent delivered up to the Indians, after they had delivered into his possession the two Georgia negroes :

Preamble.

Be it therefore resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our Senators and Representative in Congress be requested to call upon the President and Secretary of War, and ask an order requiring said Agent to have said negro Tony taken and delivered to his owner, Bennett M. Dell.

Negro taken and delivered to owner.

[Passed the House of Representatives December 21, 1854. Passed the Senate December 27, 1854. Approved by the Governor December 29, 1854.]

[No. 16.]

Resolution asking Congress to declare Indian River a Port of Delivery.

Port of Deliv-
ery.

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our Senators in Congress be instructed, and our Representative requested to use their influence to have Indian River, on the South-Eastern coast of Florida, made a Port of Delivery.

Be it further resolved, That the Governor of this State be requested to forward to our Senators and Representative a copy of these Resolutions.

[Passed the House of Representatives, December 22, 1854. Passed the Senate, December 27, 1854. Approved December 29, 1854.]

[No. 17.]

Resolution asking that Tampa be made a Port of Collection and Inspection.

Port of Col-
lection and In-
spection.

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our Senators be instructed, and our Representative requested, to make all proper effort to procure the passage of a law in Congress, changing the Port of Delivery at Tampa to that of a Port of Collection and Inspection.

Be it further resolved, That his Excellency the Governor transmit to the Senators and Representative in Congress, each, a copy of these Resolutions, upon their adoption and approval.

[Passed the House of Representatives December 20th, 1854. Passed the Senate December 23d, 1854. Approved by the Governor December 29th, 1854.]

[No. 18.]

Resolution asking that the New Orleans and Key West Mail Steamers be required to touch at St. Andrews's.

WHEREAS, The Mail Steamer on the Route between New Orleans and Key West, passes within sight of the Town of St. Andrews, and there being sufficient water over the bar to admit the said Steamer :

Mail boats to
touch at St.
Andrews.

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our Senators and Representative in Congress be requested to use their efforts with the Post Office Department to cause said Steamer to include the

Town of St. Andrews in the number of Ports at which they shall perform Mail service.

[Passed the House of Representatives January 6, 1855. Passed the Senate January 11, 1855. Approved January 13, 1855.]

[No. 19.]

Resolution for the relief of L. C. Demilly.

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Comptroller is hereby required to issue his warrant on the Treasurer in favor of L. C. Demilly, for the sum of one hundred dollars, to be paid out of any money not otherwise appropriated, in full payment for repairing and cleaning arms after the storm of 1851.

Warrant to be
issued.

[Passed the House of Representatives, January 6, 1855. Passed the Senate, January 11, 1855. Approved January 16, 1855.]



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